

# FEDERAL REGISTER

VOLUME 19

NUMBER 19

Washington, Thursday, January 28, 1954

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10516

TRANSFERRING CERTAIN LANDS TO THE SECRETARY OF AGRICULTURE FOR USE, ADMINISTRATION, AND DISPOSITION UNDER TITLE III OF THE BANKHEAD-JONES FARM TENANT ACT

WHEREAS I find suitable for the purposes of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 7 U. S. C. 1010 *et seq.*), and the related provisions of Title IV thereof, certain lands of the United States under the supervision of the Secretary of Agriculture which are being administered by the Department of Agriculture as tree and grass nurseries for the production of woody and herbaceous planting stock, such nurseries being designated and described as follows:

| Nursery     | County          | State        | Acreage |
|-------------|-----------------|--------------|---------|
| Clanton     | Chilton         | Alabama      | 181.20  |
| Tucson      | Pima            | Arizona      | 45.88   |
| Pleasanton  | Alameda         | California   | 60.00   |
| Americus    | Sumter          | Georgia      | 340.70  |
| Manhattan   | Riley           | Kansas       | 181.45  |
| Elberry     | Lincoln         | Missouri     | 112.987 |
| Two Rivers  | Douglas         | Nebraska     | 206.44  |
| Big Flats   | Chemung         | New York     | 212.88  |
| Mandan      | Morton-Burleigh | North Dakota | 595.20  |
| Zanesville  | Muskingum       | Ohio         | 202.69  |
| Howard      | Centre          | Pennsylvania | 76.924  |
| San Antonio | Hexar           | Texas        | 3.00    |
| Pullman     | Whitman         | Washington   | 160.26  |
| Bellingham  | Whatcom         | Washington   | 72.214  |

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 45 of the said Bankhead-Jones Farm Tenant Act, it is ordered that all the right, title, and interest of the United States in and to the above-described lands be, and they are hereby, transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the said act and the related provisions of Title IV thereof.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,  
January 26, 1954.

[P. R. Doc. 54-632; Filed, Jan. 26, 1954; 4:59 p. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

#### Subchapter B—Farm Ownership Loans

[FHA Instruction 427.1]

#### PART 327—TITLE CLEARANCE

##### ARRANGEMENT WITH TITLE INSURERS

Section 327.4 (b) (5), Title 6, Code of Federal Regulations (13 F. R. 9409), is revised to modify the requirements with respect to owners' policies of title insurance and as revised reads as follows:

§ 327.4 Arrangements with title insurers. . . .

(b) Standard proposals; acceptance by State Director. . . .

(5) Rates for owners' policies are set forth in the manner indicated by part II, section 1 (If combination policies are offered there may be supplied in part I, section 1, an additional column showing rates, based on amount of insurance, applicable to combination policies), and such rates are found by the State Director to be reasonable and the lowest rates which can be secured by negotiation. If the insurer offers to issue owners' policies in the same amount as the mortgage insurance in Farm Enlargement and Farm Development cases, the proviso following the semicolon in the first paragraph of part II, section 1, should be stricken. Because each borrower has the option of electing whether to obtain an owner's policy, the State Director may delete part II, "Owners' Policies," or may approve any provisions satisfactory to him relating to owners' policies contained in the proposal, including the form of owner's policy offered.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 12 (a), 44 (b), 60 Stat. 1074, 1076, 1069; 7 U. S. C. 1003 (a), 1005b (a), 1018 (b))

Dated: January 20, 1954.

[SEAL] R. B. McLEISH,  
Administrator,  
Farmers Home Administration.

[P. R. Doc. 54-579; Filed, Jan. 27, 1954; 8:51 a. m.]

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# FEDERAL REGISTER

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## TITLE 7—AGRICULTURE

## Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 1]

## PART 417—TOBACCO CROP INSURANCE

## SUBPART—REGULATIONS FOR THE 1954 AND SUCCEEDING CROP YEARS

## ELIGIBILITY FOR INSURANCE

The above identified regulations (18 F. R. 5703), are hereby amended, effective beginning with the 1954 crop year, by adding a § 417.9 to read as follows:

§ 417.9 *Eligibility for insurance.* Notwithstanding the provisions of section 20 (b) of the policy as shown in § 417.8, insurance may be provided in any crop year to any person who canceled his contract for that crop year and who as owner-operator or tenant-operator files an application for insurance after the cancellation date and by the applicable closing date preceding such crop year, provided the interest(s) covered by such application for insurance is not limited to the identical interest(s) which was insured under the canceled contract.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507-1509)

Adopted by the Board of Directors on January 15, 1954.

[SEAL] C. S. LAIDLAW,  
Secretary,  
Federal Crop Insurance Corporation.

Approved on January 22, 1954.

TRUE D. MORSE,  
Acting Secretary of Agriculture.

[F. R. Doc. 54-584; Filed, Jan. 27, 1954;  
8:52 a. m.]

[Amdt. 5]

## PART 418—WHEAT CROP INSURANCE

## SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

## MISCELLANEOUS AMENDMENTS

The above identified regulations, as amended (16 F. R. 9628, 11565; 17 F. R. 189, 10537; 18 F. R. 439, 3632, 6990, 7222), are hereby amended for all counties, effective beginning with the 1953 crop year, as follows:

1. The table following paragraph (a) of § 418.204 (formerly designated § 418.154) is amended by changing the closing date for all counties in Idaho, Oregon, and Washington to October 31, and establishing a closing date of August 31 for Bennett County, South Dakota.

2. Section 2, as amended, of the policy shown in § 418.210 (formerly designated § 418.160) is amended to read as follows:

2. *Insurable acreage.* For each crop year of the contract any acreage is insurable only if a coverage for such acreage is shown on the county actuarial table for that crop year, provided, however, in any county where a coverage(s) is established by a farming practice(s) any acreage is insurable only if a coverage is established for the farming practice followed on such acreage.

3. Section 6 of the policy shown in § 418.210 is amended to read as follows:

6. *Coverage per acre.* The coverage per acre established for the area in which the insured acreage is located shall be shown, by practice(s) where applicable, on the county actuarial table on file in the county office. The coverage per acre is progressive depending upon whether the acreage is (a) First Stage—released and seeded to a substitute crop, (b) Second Stage—not harvested and not seeded to a substitute crop or (c) Third Stage—harvested.

4. Subsections (a) and (d) of section 9, as amended, of the policy shown in § 418.210 are amended to read as follows:

(a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the applicable cancellation date preceding the crop year for which the cancellation is to become effective: *Provided, however, That* (1) if by the March 31 following such cancellation date for all counties with a December 31 cancellation date any amount of premium remains unpaid or (2) if by such cancellation date for all other counties any amount of premium, except the premium due on the crop harvested or to be harvested in the calendar year in which the cancellation date occurs, remains unpaid, the contract shall terminate as if canceled by the Corporation prior to such cancellation date. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and mailing shall constitute notice to the insured.

(d) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

5. Section 12, as amended, of the policy shown in § 418.210 is amended to read as follows:

12. *Amount of annual premium.* (a) The premium rate per acre will be established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown, by practice(s), where applicable, on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of wheat, (2) the applicable premium rate(s) and (3) the insured interest(s) in the crop at the time of seeding. There will be a reduction in the annual premium for each insurance unit of 4 percent for the first full 200 acres of insured acreage on the unit and an additional 2 percent reduction for each additional full 100 acres, provided, however, that the total reduction shall not

exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract, and with respect to any insured acreage shall be earned and payable when the wheat on such acreage is seeded.

(b) The premium rate(s) shown on the county actuarial table is based on prompt payment and any amount of the premium which remains unpaid on the day following the discount date (the discount date shall be the November 30 following the time the wheat crop is normally harvested) will be increased by 10 percent, which increased amount shall be the premium balance. Thereafter, at the end of each 12 months' period, 6 percent simple interest shall attach to any amount of the premium balance remaining unpaid. Interest shall not be charged on premiums earned in the 1955 and succeeding crop years except as specified in this section.

(c) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured wheat crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. Whether or not the insured is eligible for the above premium reduction, his annual premium may be reduced in lieu of the above in any year by not to exceed 50 percent if it is determined by the Corporation that the accumulated balance of premiums over indemnities on consecutively insured wheat crops exceeds his total coverage (computed on a harvested acreage basis). Nothing in this paragraph shall create in the insured any right to a reduced premium.

(d) Notwithstanding any other provision of the contract, if in any year a premium is earned and totals less than \$10.00 the amount shall be increased to \$10.00.

6. Subsection (b) of section 13, as amended, of the policy shown in § 418.210 is amended to read as follows:

(b) Any unpaid amount of any premium or any other amount owed the Corporation by the insured may be deducted from any indemnity payable by the Corporation or from any loan or any payment made to the insured under any act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than \$1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

7. Section 18 of the policy shown in § 418.210 is amended to read as follows:

18. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 19 (b). An insurance unit consists of (a) all the insurable acreage of wheat in the county in which the insured has 100 percent interest in the crop at the time of seeding, or (b) all the insurable acreage of wheat in the county owned by one person which is operated by the insured as a share tenant, or (c) all the insurable acreage of wheat in the county which is owned by the insured and is rented to one share tenant at the time of seeding. For any crop year of the contract, acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

8. Item 4 of the "Production Schedule" contained in section 19, as amended, of the policy shown in § 418.210 is amended to read as follows:

| Acreage classification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Stage of coverage to be used | Production to be counted                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. Acreage from which threshed wheat as determined by the Corporation (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight. | T<br>H<br>I<br>R<br>D        | The number of bushels obtained by (1) multiplying the bushels of such threshed wheat by the value per bushel as determined by the Corporation, and (2) dividing the result thus obtained by the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight. |

9. Subsection (a) of section 30, as amended, of the policy shown in § 418.210 is deleted.

10. Subsection (d) of section 30, as amended, of the policy shown in § 418.210 is amended to read as follows:

(d) "County office" means the Corporation's office for the county, shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

11. Section 30, as amended, of the policy shown in § 418.210 is further amended by adding a subsection (k) to read as follows:

(k) "County" means the area shown on the county actuarial table which may include farms located in a local producing area(s) bordering on the county.

12. Section 32, as amended, of the policy shown in § 418.210 is amended by deleting the maturity dates and changing the discount date to November 30 for all counties.

13. Section 32, as amended, of the policy shown in § 418.210 is further amended by establishing a cancellation date of April 30, and a discount date of November 30 for Bennett County, South Dakota.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507-1509)

Adopted by the Board of Directors on January 15, 1954.

[SEAL] C. S. LAIDLAW,  
Secretary,  
Federal Crop Insurance Corporation.

Approved on January 22, 1954.

TRUE D. MORSE,  
Acting Secretary of Agriculture.

[F. R. Doc. 54-582; Filed, Jan. 27, 1954; 8:52 a. m.]

[Amtd. 5]

#### PART 419—COTTON CROP INSURANCE

##### SUBPART—REGULATIONS FOR THE 1952 AND SUCCEEDING CROP YEARS

###### ELIGIBILITY FOR INSURANCE

The above identified regulations, as amended (16 F. R. 7975, 11565; 17 F. R.

2110, 5633, 8206, 8471; 18 F. R. 440, 3633, 3994, 6990), are hereby amended, effective beginning with the 1954 crop year, by adding a § 419.14 to read as follows:

§ 419.14 *Eligibility for insurance.* Notwithstanding the provisions of section 8 (b), as amended, of the policy as shown in § 419.13, insurance may be provided in any crop year to any person who canceled his contract for that crop year and who as owner-operator or tenant-operator files an application for insurance after the cancellation date and by the applicable closing date preceding such crop year, provided the interest(s) covered by such application for insurance is not limited to the identical interest(s) which was insured under the canceled contract.

(Sec. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507-1509)

Adopted by the Board of Directors on January 15, 1954.

[SEAL] C. S. LAIDLAW,  
Secretary,  
Federal Crop Insurance Corporation.

Approved on January 22, 1954.

TRUE D. MORSE,  
Acting Secretary of Agriculture.  
[F. R. Doc. 54-583; Filed, Jan. 27, 1954; 8:52 a. m.]

[Amtd. 14]

#### PART 420—MULTIPLE CROP INSURANCE

##### SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

###### SINGLE CROP SETTLEMENT

The above identified regulations, as amended (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271; 16 F. R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671, 5082, 5933, 8206, 10537, 11257, 11379; 18 F. R. 151, 440, 3634, 4418, 6282, 6992, 7222, 8080, 8530), are hereby amended, effective beginning with the 1954 crop year, as follows:

1. The following section is added:

§ 420.36 *Single crop settlement.* Notwithstanding any other provisions of this subpart to the contrary, the Manager of the Corporation is authorized, in counties designated by him, in any case the insured so elects, to compute premium(s) and indemnity(ies) as though each crop insured were the only crop insured under the contract. For the first crop year in which such election is authorized in a county and for the first crop year of any contract, the election must be made before the closing date for filing applications for insurance. Thereafter, any election or change therein shall be in writing and filed in the county office prior to the cancellation date for the crop year the change is to become effective. The combination of insurance units provided for in section 13 of the policy shall not be permitted in counties designated under this section.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507-1509)

Adopted by the Board of Directors on January 15, 1954.

[SEAL] C. S. LAIDLAW,  
Secretary,  
Federal Crop Insurance Corporation.

Approved on January 22, 1954.

TRUE D. MORSE,  
Acting Secretary of Agriculture.  
[F. R. Doc. 54-581; Filed, Jan. 27, 1954; 8:52 a. m.]

#### PART 422—CITRUS CROP INSURANCE

##### SUBPART—REGULATIONS FOR THE 1954 AND SUCCEEDING CROP YEARS

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, the "Regulations for the 1953 and Succeeding Crop Years" (18 F. R. 440), which shall continue in full force and effect for the 1953 crop year, are hereby amended for the 1954 and succeeding crop years to read as set forth below. The provisions of this subpart shall apply, until amended or superseded, to all citrus contracts as they relate to the 1954 and succeeding crop years.

- Sec.  
422.21 Availability of citrus crop insurance.  
422.22 Coverages per acre.  
422.23 Premium.  
422.24 Application for insurance.  
422.25 Public notice of indemnities paid.  
422.26 Creditors.  
422.27 Changes in continuous contracts covering the 1953 and succeeding crop years.  
422.28 The policy.

AUTHORITY: §§ 422.21 through 422.28 issued under secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507-1509.

§ 422.21 *Availability of citrus crop insurance.* Citrus crop insurance will be provided in Orange and Polk Counties, Florida, except that insurance will not be provided in a county for any crop year unless the minimum participation requirement prescribed by the Federal Crop Insurance Act, as amended, is met before the June 1 following the beginning of such crop year. For this purpose an insurance unit shall be counted as one farm.

§ 422.22 *Coverages per acre.* The Corporation shall establish coverages per acre by areas which shall not be in excess of the maximum limitations prescribed by the Federal Crop Insurance Act, as amended. Coverages so established shall be shown on the county actuarial table which shall be on file in the county office and may be revised from year to year.

§ 422.23 *Premium.* (a) The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for citrus crop losses and

to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table which shall be on file in the county office and may be revised from year to year.

(b) The premium for each crop year shall be paid before the beginning of the insurance period for such crop year except that payment may be deferred upon the insured making arrangements satisfactory to the Corporation for the payment of the premium. The Corporation may charge interest at not to exceed 6 percent per annum on deferred payments.

**§ 422.24 Application for insurance.** Application for insurance on a form approved by the Corporation may be made by any person to cover his interest as landlord, owner-operator, or tenant in a citrus crop. A supplemental application may be submitted to cover any interest in citrus acreage acquired after the date of premium payment for any crop year. For any crop year, applications and supplemental applications may be submitted to the county office until such time as the Manager of the Corporation terminates the sale of citrus insurance for such crop year.

**§ 422.25 Public notice of indemnities paid.** The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses in the county.

**§ 422.26 Creditors.** An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle any holder of any such interest to any benefits under the contract.

**§ 422.27 Changes in continuous contracts covering the 1953 and succeeding crop years.** Continuous citrus insurance contracts in effect for the 1953 and succeeding crop years shall be amended for 1954 and succeeding crop years so that the terms and conditions of such contracts will conform with the terms and conditions of the policy set forth in this subpart.

**§ 422.28 The policy.** The provisions of the policy for the 1954 and succeeding crop years are as follows:

Pursuant to the provisions of the application upon which this policy is issued, which application together with this policy shall constitute the contract, and subject to the terms and conditions set forth herein, the Federal Crop Insurance Corporation (herein called the "Corporation") does insure

(Name) (Policy No.)  
 (Address) (County)  
 in called the "Insured", against unavoidable loss on his citrus crops due to freeze, hail, hurricane, or tornado.

In witness whereof, the Corporation has caused this policy to be issued this \_\_\_\_\_ day of \_\_\_\_\_, 1954.

FEDERAL CROP INSURANCE CORPORATION,  
 By \_\_\_\_\_  
 (State Crop Insurance Director)

## TERMS AND CONDITIONS

1. **Citrus crops insured.** (a) The kinds of citrus insured shall be all varieties of oranges, grapefruit, and tangerines.

(b) Insurance for each crop year of the contract shall cover only citrus fruit that normally matures within such crop year and shall not cover any fruit on the trees which matures before August 1 of such crop year.

2. **Insurable acreage.** For each crop year of the contract, any acreage is insurable only if a coverage for such acreage is shown on the county actuarial table for that crop year. Acreage having a potential production for any crop year of less than 100 standard field boxes per acre is uninsurable for that crop year.

3. **Responsibility of insured to report acreage and interest.** For the initial crop year of the contract, the insured shall specify on his application all the insurable acres of citrus in the county in which he has an interest on the date of premium payment for such crop year and his interest in each such acreage. These data shall be revised by the insured on or before the date of premium payment for each succeeding crop year provided that the data on the application or latest revision are incorrect, to show the actual insurable acreage of citrus in which he has an interest on such date and his interest therein. If such data are not so revised for any crop year, the data on the latest revision or the application if there has been no revision, shall constitute the insured's report of his citrus acreage and his interest therein on the date of premium payment for such crop year.

4. **Insured acreage.** For each crop year of the contract the insured acreage with respect to each insurance unit shall be the insurable acreage of citrus in which the insured has an interest on the date of premium payment, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided, however,* That the insured acreage shall not include acreage in which the insured does not have an interest on the date insurance attaches.

5. **Insured interest.** For each crop year of the contract the insured interest in the citrus crops covered by the contract shall be the insured's interest on the date of premium payment, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided, however,* That such insured interest shall not exceed the insured's interest on the date insurance attaches. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of damage.

6. **Coverage per acre.** (a) The coverage(s) per acre shall be the number of dollars established by the Corporation for the area in which the insured acreage is located, and will be shown on the county actuarial table on file in the county office.

(b) Where more than one coverage per acre is established for a county and shown on the county actuarial table, the amount of coverage elected by the insured shall be specified on the application for insurance. However, the insured may elect to change from one coverage to the other by so advising the Corporation in writing at the county office on or before the date of premium payment for the crop year the change is to become effective.

7. **Insurance period.** For any insured acreage insurance shall attach, subject to the provisions of section 20, on the first April 1 of each crop year or 10 days after the date of premium payment (see section 25 (e)) for such acreage for such crop year, whichever is later. Insurance shall cease with respect to any portion of a citrus crop covered by the contract upon harvest but in no event shall the insurance remain in effect after June 30 of the calendar year

following the year in which the insurance period begins, unless such time is extended in writing by the Corporation.

8. **Causes of loss not insured against.** The contract shall not cover loss caused by (a) failure to follow recognized good grove practices, (b) failure properly and without unreasonable delay to care for, harvest, salvage, or market the insured citrus crops, (c) failure of a marketing agency or buyer to accept delivery of marketable fruit, (d) drought, (e) flood, (f) lightning, (g) fire, (h) excessive rain, (i) wildlife, (j) insect infestation, (k) plant disease, (l) normal dropping of fruit, (m) neglect or malfeasance of the insured or of any person in his household or employment or connected with the grove as caretaker, tenant or wage hand, or (n) any cause of loss other than freeze, hail, hurricane, or tornado; nor shall it cover damage to blossoms.

9. **Amount of annual premium.** (a) The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage, (2) the applicable premium rate(s), and (3) the insured interest(s) in the citrus crop(s) on the date of premium payment for each crop year. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned on the beginning of the insurance period of each crop year.

(b) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured citrus crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. Nothing in this paragraph shall create in the insured any right to a reduced premium.

10. **Manner of payment of premium.** (a) Payment on any premium shall be made by means of cash or by check, money order, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and no payment shall be regarded as paid unless collection is made.

(b) There shall be no refund of any annual premium overpayment of less than \$1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

11. **Notice of loss or damage.** (a) Notice in writing shall be given the Corporation at the county office within 7 days after each material damage to the insured crop on any insurance unit from an insured cause. Such notice shall state the cause and date of damage and the insured's estimate of the percentage of damage.

(b) In the case of freeze or hail, if the extent of damage cannot be determined until after the damaged fruit is harvested, an additional notice in writing, stating the date that harvest of the damaged fruit was completed for the insurance unit, shall be given the Corporation at the county office within 15 days of such date.

(c) If notice(s) is not given as required by this section, the Corporation reserves the right to reject any claim for indemnity.

12. **No abandonment.** There shall be no liability under the contract on any citrus crop or part thereof which is abandoned by the insured without a release by the Corporation. There will be no abandonment of any crop or portion thereof to the Corporation.

13. **Proof of loss.** For each insurance unit on which a loss is claimed, the insured shall submit to the Corporation, on a form approved by the Corporation, such information regarding the manner and extent of the loss as may be required by the Corporation. This form containing such information shall be executed and submitted for each loss claimed, within (a) 90 days after the time

of damage in the case of hurricane or tornado or (b) 60 days after the completion of harvesting the damaged fruit in the case of freeze or hail, but in no event later than July 31 following the crop year in which the loss occurred, unless additional time is granted in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made, and that such loss is not due to uninsured causes and has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which loss is claimed.

14. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 15 (e). An insurance unit consists of (a) all the insurable acreage of citrus in the county in which the insured has 100 percent interest on the date of premium payment for the crop year, that is located on contiguous land under the same ownership, or (b) all such insurable acreage in the county in which two or more persons have 100 percent interest on the date of premium payment for the crop year, that is located on contiguous land under the same ownership, excluding any other acreage of citrus in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous. For any crop year of the contract acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table.

15. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by multiplying the coverage for such unit by the weighted average percent of damage for all citrus crops on such unit, except that no loss shall be payable if the weighted average percent of damage for the unit on the insured crop during the insurance period is less than 10 percent.

(b) The amount of coverage with respect to any insurance unit shall be determined by multiplying the insured acreage of citrus on such unit by the insured interest and the result by the coverage per acre.

(c) The weighted average percent of damage for all citrus crops on any insurance unit shall be based upon the percent of damage to each kind of fruit on the unit and the insurable acreage in each such kind.

(d) The percent of damage for each kind of fruit on any insurance unit shall be the ratio of the number of standard field boxes of fruit lost from an insured cause(s) to the total number of standard field boxes of such kind of fruit which was or would have been produced, as determined by the Corporation. In the case of partial damage by freeze or hail, the number of standard field boxes of partially damaged fruit lost will be determined by the Corporation on the basis of 85 pounds per box for grapefruit, 90 pounds per box for oranges, and 95 pounds per box for tangerines. The number of boxes of each kind of fruit which was or would have been produced shall include (1) fruit picked before the insured damage occurs, (2) fruit remaining on the trees after the damage occurs, (3) fruit lost from the insured cause(s) of damage, and (4) any other fruit not included in items (1) through (3), including fruit lost from causes not insured against. Fruit lost shall include any fruit which is unmarketable as fruit or for juice due to an insured cause(s) and the destroyed portion (based on weight) of any fruit which is partially damaged by freeze or hail, as determined by the Corporation.

(e) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails

to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate either the commingled production or the amount of loss or both between the acreage involved in such manner as it determines appropriate.

16. *Payment of indemnity.* (a) Any indemnity will be payable by check within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason the Corporation shall not be liable for interest or damage on account of such delay.

(b) If the insured dies, is judicially declared incompetent or disappears during an insurance period any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit, the determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid and shall be a bar to recovery by any other person(s).

17. *Transfer of interest.* (a) If the insured transfers all or a part of his insured interest in a citrus crop before the end of the insurance period the transferee upon written request made by the transferor will be entitled to the benefits of the contract, and subject to its terms and conditions, accruing after the transfer with respect to the interest so transferred. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 18. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

(b) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

18. *Collateral assignment.* The original insured may assign his right to an indemnity for any year under the contract by executing a collateral assignment on a form prescribed by the Corporation and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms required by the contract if the insured neglects or refuses to take such action.

19. *Records and access to grove.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep, or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition of all citrus produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. As often as may be reasonably required, any person(s) designated by the Corporation

shall have access to such records and the grove(s) for purposes related to the contract.

20. *Life of contract, termination or cancellation thereof.* The contract shall be in effect for the first crop year specified on the application subject to the provisions of subsections (c) and (d) of this section, and shall continue in effect for each succeeding crop year subject to the provisions of subsections (a), (b), (c) and (d) of this section.

(a) The contract shall terminate if for any crop year the premium, computed on the basis of the insured's latest report of his citrus acreage, is not paid before the June 1 following the beginning of such crop year, such termination to become effective beginning with the crop year for which such premium is not paid. For the purpose of this section, any premium for which the insured has made arrangements for payment satisfactory to the Corporation shall be deemed paid.

(b) Cancellation may be made by either party giving written notice to the other party on or before the cancellation date which shall be the day preceding the beginning of the insurance period for the crop year for which the cancellation is to become effective. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and the mailing of such notice shall constitute notice to the insured.

(c) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year before the June 1 following the beginning of such crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

(d) The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of the insurance period in any crop year but before the end of the insurance period for such year, the contract shall terminate at the end of the latest insurance period for which insurance attached.

21. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s), and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured or placed on file in the county office by the March 1 preceding the beginning of the crop year for which such changes are to become effective and such mailing or filing shall constitute notice to the insured. Failure of the insured to cancel the contract as provided in section 20 shall constitute his acceptance of any such changes. If no notice is given, the terms and provisions of the contract for the prior year shall continue in force.

22. *Voidance of contract.* The Corporation may void the contract and declare the premium(s) forfeited without waiving any right or remedy including the right to collect any unpaid premium(s) if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact (including his insurable acreage or his interest therein) or committed any fraud relating to the contract, or (b) the insured fails to give any notice or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed.

23. *Modification of contract.* No notice to any representative of the Corporation or knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or a change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized representative of the Corporation; nor shall

any provision or condition of this contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder.

24. *Forms.* Copies of the forms referred to in this policy are available at the county office.

25. *Meaning of terms.* For purposes of the citrus insurance program the terms:

(a) "County" means the area shown on the county actuarial table which may include groves located in local producing area(s) bordering on the county.

(b) "County actuarial table" means the form(s) and related materials (including the crop insurance maps) which are approved annually by the Corporation and show the coverages per acre and the premium rates per acre applicable in the county.

(c) "County office" means the Corporation's office for the county, shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

(d) "Crop year" means the period beginning April 1 and extending through June 30 of the following calendar year and shall be designated by reference to the calendar year in which the insurance period begins.

(e) "Date of premium payment" means the date an official receipt is issued to the insured by an authorized representative of the Corporation acknowledging that premium payment has been received in the county office or that satisfactory arrangements for the payment of the premium have been approved by the county office.

(f) "Harvest" means (i) any severance of the fruit from the tree either by pulling or clipping or (ii) picking the marketable fruit from the ground.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

*Note:* The reporting and/or record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on January 15, 1954.

[SEAL] C. S. LAIDLAW,  
Secretary,  
Federal Crop Insurance Corporation.

Approved on January 22, 1954.

TRUE D. MORSE,  
Acting Secretary of Agriculture.

[F. R. Doc. 54-580; Filed, Jan. 27, 1954;  
8:51 a. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### Subchapter B—Immigration Regulations

#### PART 214k—ADMISSION OF NONIMMIGRANTS: UNILATERAL ADMISSION OF MEXICAN AGRICULTURAL WORKERS

Chapter I of Title 8 of the Code of Federal Regulations is amended by adding thereto Part 214k as follows:

#### SUBPART A—SUBSTANTIVE PROVISIONS

- Sec.  
214k.1 Definitions.  
214k.2 Conditions of admission.  
214k.3 Admission; period; revocation.

- Sec.  
214k.4 Persons ineligible to employ agricultural workers; report on worker's leave of employment.  
214k.5 Extension of stay; conditions.  
214k.6 Readmission after temporary visits to Mexico.  
214k.7 Previous removal, deportation; consent to reapply.  
214k.8 Failure to maintain nonimmigrant status; arrest and further proceedings.

#### SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

- 214k.21 Conveyance of aliens to reception centers.  
214k.22 Immigration inspection at reception centers; authority to admit.  
214k.23 Reemployment in the United States.  
214k.24 Duplicate identification cards.  
214k.51 Extension of period of admission.

*Authority:* §§ 214k.1 to 214k.51 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply Title V, 65 Stat. 119, secs. 214, 241, 242, 264, 405, 66 Stat. 189, 204, 208, 224, 281; 7 U. S. C. 1461-1468, 8 U. S. C. 1184, 1251, 1252, 1304, 1101 note.

#### SUBPART—SUBSTANTIVE PROVISIONS

§ 214k.1 *Definitions.* As used in this part:

(a) The term "agricultural worker" means a native-born citizen of Mexico at least 18 years of age who is a bona fide resident of Mexico and who seeks to enter the United States temporarily for the sole purpose of engaging in agricultural employment as defined in this section, and who is legally admitted to the United States for such purpose.

(b) The term "agricultural employment" means employment in connection with:

(1) Cultivation and tillage of the soil, planting, production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, and any operations (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in connection with such activities, including the raising, shearing, feeding, caring for, training and management of livestock, preparations for market, delivery to storage, or to market, or to a carrier for transportation to market, and cotton ginning; or

(2) The maintenance of a farm and its tools and equipment, or salvaging of timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm; or

(3) The maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit and used exclusively for supplying or storing water for farming purposes; or

(4) The handling, drying, packing, packaging, processing, freezing, grading, or storing, in its unmanufactured state of any agricultural or horticultural commodity for the operator of a farm; but only if such operator shall have produced more than one-half of the commodity with respect to which the service is performed; or

(5) Any of the activities described in subparagraph (4) of this paragraph for a group of operators of farms, but only if such operators shall have produced the commodities with respect to which

such activities are performed: *Provided*, that the provisions of this subparagraph and subparagraph (4) of this paragraph shall not be applicable to services performed in connection with commercial canning or commercial freezing, or in connection with any agricultural or horticultural commodities after their delivery to a terminal market for distribution or consumption.

(c) The term "employer" means:

(1) The operator of agricultural property who is engaged in agricultural employment and who has not been disapproved by the Commissioner of Immigration and Naturalization or an immigration officer acting for him; or

(2) A processor, shipper, or marketer of agricultural products who employs agricultural workers for work on crops purchased by him and who has not been disapproved by the Commissioner of Immigration and Naturalization or an immigration officer acting for him; or

(3) An association or other group of employers as defined in subparagraph (1) or (2) of this paragraph which has not been disapproved by the Commissioner of Immigration and Naturalization or an immigration officer acting for him, but only if those of its members for whom agricultural workers are being obtained are bound, in the event of its default, to carry out the obligations undertaken by it, unless the Secretary of Labor determines that such individual liability is not necessary to assure performance of such obligations.

(d) The term "certification" means the finding and determination by the Secretary of Labor that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which agricultural workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

(e) The term "work agreement" means the contract entered into by the Secretary of Labor on behalf of the United States, the employer, and the agricultural worker with respect to the terms and conditions of employment.

(f) The term "reception center" means any place established by the Secretary of Labor within the United States to which workers are brought to be employed by employers and to which the workers will return upon termination of the work agreement.

(g) The term "Secretary of Labor" means the Secretary of Labor of the United States or his duly authorized representative.

§ 214k.2 *Conditions of admission.* A Mexican alien who applies for admission to the United States as an agricultural worker shall, as conditions of admission:

(a) Establish that he is in all respects admissible under the provisions of the immigration laws;

(b) Have been selected by an employer;

(c) Establish to the satisfaction of the examining immigration officer that, if admitted, he will comply with all of the conditions of such admission; and

(d) Have been selected by the Secretary of Labor as a qualified agricultural worker.

**§ 214k.3 Admission; period; revocation.** A Mexican alien found admissible under § 214k.2 may be admitted to the United States as an agricultural worker, provided:

(a) That the initial period of admission shall be that specified in the certification of the Secretary of Labor, but shall not exceed six months; and

(b) That the period of temporary admission shall be subject to immediate revocation, without notice, by the district director of the district having jurisdiction over the place of the worker's employment upon (1) failure of the worker to maintain his status as an agricultural worker by accepting any employment or engaging in any activities not specifically authorized, or violation by the employer or worker of the work agreement or of any condition under which the importation of such worker shall have been authorized or under which he is permitted to remain in the United States; or (2) withdrawal by the Secretary of Labor of the certification furnished the employer; or (3) determination and notification by the Secretary of Labor that sufficient domestic workers who are able, willing, and qualified are available at the time and place needed to perform the work for which such workers are employed, or that the employment of agricultural workers is adversely affecting the wages and working conditions of domestic agricultural workers similarly employed, or that reasonable efforts have not been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

**§ 214k.4 Persons ineligible to employ agricultural workers; report on worker's leave of employment.** (a) No agricultural workers shall be made available to, nor shall any such workers made available be permitted to remain in the employ of, any person (1) who has in his employ any Mexican alien when such person knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such Mexican alien is not lawfully within the United States, or (2) who has not received a certification from, or whose certification is withdrawn by, the Secretary of Labor, or (3) who the Secretary of Labor determines has willfully violated the individual work agreement. Whenever it shall appear that a Mexican alien not lawfully in the United States is employed by such a person, an investigation shall be made and a report submitted to the district director having jurisdiction over the place of the alien's employment. The temporary admission of all agricultural workers employed by such a person may be revoked in the manner provided in § 214k.3.

(b) If an agricultural worker leaves his employment without proper authorization, or dies (from either natural or accidental causes), or becomes seriously ill or injured, the employer shall submit an appropriate report within five days to the district director having jurisdiction over the reception center at which the worker was admitted. Such report shall contain (1) the worker's name, as shown in the employer's copy of the work agreement; (2) the worker's Form I-100a number; (3) the location of the reception center at which the worker was originally employed; and (4) the date the employment of the worker ceased. Upon failure of an employer to furnish the report required by this paragraph, his authorization to import and employ agricultural workers may be revoked.

**§ 214k.5 Extension of stay; conditions.** An alien admitted to the United States as an agricultural worker may be granted an extension or extensions of the period for which he was originally admitted by the district director or the officer in charge having jurisdiction over the place of the alien's employment: *Provided*, That any such extension shall be subject to the same conditions as those imposed upon his original admission: *And provided further*, That no extension shall be granted which would permit such alien to remain in the United States in excess of three years from the date of his original admission.

**§ 214k.6 Readmission after temporary visits to Mexico.** (a) An agricultural worker who has been admitted to the United States under this part may be readmitted after temporary visits to Mexico on presentation of Form I-100a, Alien Laborer's Permit and Identification Card, if he still maintains the status of an agricultural worker in the United States.

(b) An agricultural worker who is granted a furlough shall be furnished a letter by his employer indicating the time for which the furlough is granted and stating that all contractual obligations will be reassumed upon the alien's return to his employment after the furlough. The letter shall be appropriately noted by a representative of the United States Employment Service to show approval of the furlough.

**§ 214k.7 Previous removal, deportation; consent to reapply.** An alien who establishes that he is in all respects entitled to admission as an agricultural worker except that he has been previously removed at Government expense pursuant to section 242 (b) of the Immigration and Nationality Act, or has been excluded or arrested and deported, on not more than one occasion solely because of illegal entry or lack of required documents, is hereby granted consent to reapply for admission to the United States as an agricultural worker.

**§ 214k.8 Failure to maintain nonimmigrant status; arrest and further proceedings.** (a) An alien admitted to the United States as an agricultural worker shall be deemed to have failed to main-

tain his nonimmigrant status within the meaning of section 241 (a) (9) of the Immigration and Nationality Act if:

(1) He remains in the United States after the expiration of the time for which he is temporarily admitted or after the expiration of any authorized extension of such period; or

(2) He violates or fails to fulfill any of the other conditions of his admission to, or extended stay in, the United States; or

(3) He evidences orally or in writing or by conduct an intention to violate or to fail to fulfill any of the conditions of his temporary admission to, or extended stay in, the United States; or

(4) He remains in the United States after the period of his temporary admission or extended stay is revoked.

(b) Any alien admitted under this part who fails to maintain his nonimmigrant status shall be subject to being taken into custody and to being made the subject of further proceedings under the applicable provisions of the immigration laws and regulations.

#### SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

**§ 214k.21 Conveyance of aliens to reception centers.** If the immigration officer at the port of entry determines that an alien is a bona fide agricultural worker and is admissible as such upon selection by an employer, he shall permit the alien to proceed to the reception center in the custody of a representative of the Secretary of Labor. Such permission shall not be construed as a guarantee that the alien will be admitted to the United States, nor shall the alien be entitled to accept employment in the United States unless and until he has been issued Form I-100a. Such aliens shall be conveyed directly from the port of entry to the reception center at or near a port of entry, under the supervision of representatives of the Secretary of Labor, for completion of immigration inspection. The conveyance of an agricultural worker to a reception center shall not constitute an admission to the United States. Such alien shall be considered to have been admitted to the United States only after he has been inspected and issued Form I-100a.

**§ 214k.22 Immigration inspection at reception centers; authority to admit.** (a) An alien conveyed to a reception center who is found to be admissible as an agricultural worker may be so admitted by the examining immigration officer, at which time such officer shall fingerprint the alien:

(1) By placing the rolled impression of the right index finger on the Form I-100a, Alien Laborer's Permit and Identification Card, which shall be prepared in duplicate in each such case; and

(2) By placing complete fingerprints of both hands on one copy of Form AR-4.

(b) The examining immigration officer shall execute the obverse of Form AR-4 and shall place thereon the serial number of Form I-100a and a stamped notation reading "Admitted as agricultural worker"; and shall mail the exe-

cuted form direct to the Federal Bureau of Investigation, Washington 25, D. C.

(c) The alien shall be given the Form I-100a bearing his photograph and stating his name, place of birth, and citizenship. Such form shall be duly noted by an immigration officer to show the date, place, and period of the alien's admission to the United States and shall be signed by such officer across the bottom of the photograph, partly on the photograph and partly on the card. Such noted card shall be the sole document required for admission to the United States as an agricultural worker.

§ 214k.23 *Reemployment in the United States.* During the period for which he is admitted, or any authorized extension thereof, an agricultural worker may, with the approval of the district director having jurisdiction over the place of the worker's employment and the appropriate representative of the United States Employment Service, be reemployed by the same or another employer. When an agricultural worker is so reemployed, his Form I-100a shall be appropriately noted, and the officer in charge having administrative jurisdiction over the port of the worker's entry shall be notified.

§ 214k.24 *Duplicate identification cards.* A duplicate of Form I-100a may be issued to an agricultural worker in the discretion of the district director or the officer in charge having jurisdiction over the place of the worker's employment if the original has been lost, mutilated, or destroyed. The officer in charge having administrative jurisdiction over the port of the worker's entry shall be notified of the issuance of such duplicate Form I-100a.

§ 214k.51 *Extension of period of admission.* Extension of the temporary admission of an alien admitted to the United States as an agricultural worker may be granted by the district director or the officer in charge having jurisdiction over the place of the alien's employment only upon determination and certification by the Secretary of Labor that:

(a) Sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed;

(b) The employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and

(c) Reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

This order shall become effective on January 16, 1954. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is impracticable and contrary to the public interest in this instance, since such compliance would unduly delay and

impede the entry to the United States of needed agricultural workers.

Dated: January 21, 1954.

HERBERT BROWNELL, Jr.,  
Attorney General.

Recommended: January 8, 1954.

ARGYLE R. MACKEY,  
Commissioner of Immigration  
and Naturalization.

[F. R. Doc. 54-589; Filed, Jan. 27, 1954;  
8:53 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 23 to Revision of May 10, 1949]

#### PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

##### PROJECT COSTS

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the regulations of the Civil Aeronautics Administration as follows:

Section 550.4 (c) (1) is hereby amended to read as follows:

§ 550.4 *Project costs.* \* \* \*

(c) *United States share of project costs.* \* \* \*

(1) *Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways.* The United States share of the project costs (other than costs of installation of high intensity lighting on runways designated instrument landing runways) of an approved project for the development of an airport, regardless of the size or location of the airport to be developed, shall be 50 percent of the allowable project costs of the project (other than costs of installation of high intensity lighting on runways designated instrument landing runways), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act and except that the United States share shall be 75 percent in the case of the Territory of Alaska and the Virgin Islands, all as set forth in the following table:

UNITED STATES' PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

|              |       |
|--------------|-------|
| Arizona      | 60.97 |
| California   | 54.21 |
| Colorado     | 53.22 |
| Idaho        | 56.23 |
| Montana      | 53.46 |
| Nevada       | 62.59 |
| New Mexico   | 56.53 |
| Oklahoma     | 51.37 |
| Oregon       | 55.99 |
| South Dakota | 52.99 |
| Utah         | 62.30 |
| Washington   | 51.76 |
| Wyoming      | 57.25 |

Note: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States share of allowable project costs other than costs of installing high intensity runway lighting on runways designated as instrument landing runways.

(Secs. 1-15, 60 Stat. 170-178, as amended; 49 U. S. C. and Sup., 1101-1114)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(SEAL) F. B. LEE,  
Administrator of Civil Aeronautics.

[F. R. Doc. 54-550; Filed, Jan. 27, 1954;  
8:45 a. m.]

[Amdt. 25]

#### PART 600—DESIGNATION OF CIVIL AIRWAYS

##### ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.)* is amended between the "Fort Worth, Tex., radio range station" and the "Tulsa, Okla., radio range station" to read: "Fort Worth, Tex., radio range station; Oklahoma City, Okla., radio range station; the intersection of the southeast course of the Oklahoma City, Okla., radio range and the southwest course of the Tulsa, Okla., radio range; Tulsa, Okla., radio range station;"

2. Section 600.235 is amended to read:

§ 600.235 *Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).* From the Pueblo, Colo., radio range station via the La Junta, Colo., radio range station; Garden City, Kans., radio range station; Hutchinson, Kans., radio range station; the intersection of the east course of the Hutchinson, Kans., radio range and the southwest course of the Forbes AFB, Kans., radio range; Forbes AFB, Kans., radio range station to the intersection of the northeast course of the Forbes AFB, Kans., radio range and the south course of the St. Joseph, Mo., radio range.

3. Section 600.277 is amended to read:

§ 600.277 *Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).* From the Greensboro, N. C., radio range station via the Lynchburg, Va., radio range station; Richmond, Va.,

radio range station; Tappahannock, Va., radio range station; Dover, Del., AFB radio range station to the Atlantic City, N. J. (Navy) radio range station, excluding the portion below 6,000 feet which lies over Patuxent Danger Area No. 71 and excluding the portion which lies over Patuxent danger area No. 43.

4. Section 600.605 *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.)* is amended by deleting the portion which reads: "Dallas, Tex., radio range station to the intersection of the north-west course of the Dallas, Tex., radio range and the north course of the Fort Worth, Tex., radio range," and by adding the following in lieu thereof: "Dallas, Tex., radio range station; Ardmore, Okla., nondirectional radio beacon to the intersection of the south course of the Tinker AFB, Okla., radio range and the southeast course of the Oklahoma City, Okla., radio range."

5. Section 600.620 is amended to read: § 600.620 *Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.)*. From the intersection of the southwest course of the Atlantic City, N. J., (Navy) radio range and the southeast course of the Millville, N. J., radio range via the intersection of the southeast course of the Millville, N. J., radio range and the southeast course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; a point at latitude 40°15'00", longitude 75°22'45", to the Allentown, Pa., radio range station.

6. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended after the Louisville, Ky., omnirange station to read: "Louisville, Ky., omnirange station, including a north alternate from the Evansville, Ind., omnirange station to the Louisville omnirange station; Lexington, Ky., omnirange station; Charleston, W. Va., omnirange station; Elkins, W. Va., omnirange station; Front Royal, Va., omnirange station; Herndon, Va., omnirange station to the point of intersection of the Herndon omnirange 089° True and the Washington, D. C., terminal omnirange 351° True radials."

7. Section 600.6016 is amended by changing the caption to read: "*VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)*," and by changing the portions after "to the Nashville, Tenn., omnirange station." to read: "From the Tri-City, Tenn., omnirange station via the Pulaski, Va., omnirange station; Montebello, Va., omnirange station; Gordonsville, Va., omnirange station; Andrews, Md., radio range station via the Gordonsville omnirange 056° True radial; a point at latitude 38°51'00" north, longitude 76°30'00" west bearing 062° True from the Andrews, Md., radio range station; Dover, Del., omnirange station via the Dover omnirange 244° True radial; Atlantic City, N. J., VAR station via the Dover omnirange 070° True radial; intersection of the Atlantic City VAR northeast course and the Colts Neck omnirange 204° True radial; Colts Neck, N. J., omnirange station; intersection of the Colts Neck omnirange 103° True and the Riverhead omnirange 222° True radials; Riverhead, N. Y., omnirange station; intersection of the River-

head omnirange 042° True and the Norwich omnirange 224° True radials; Norwich, Conn., omnirange station to the Boston, Mass., omnirange station. Those portions of this airway between the Atlantic City, N. J., VAR station and the Colts Neck, N. J., omnirange station more than 3 miles either side of the center line are excluded."

8. Section 600.6034 is amended to read: § 600.6034 *VOR civil airway No. 34 (Rochester, N. Y., to Wilton, Conn.)*. From the Rochester, N. Y., omnirange station via the Binghamton, N. Y., omnirange station; intersection of the Binghamton omnirange 110° True and the Wilton omnirange 300° True radials; Wilton, Conn., omnirange station to the point of intersection of the Wilton omnirange 090° True and the Norwich, Conn., omnirange 224° True radials.

9. Section 600.6035 is amended to read: § 600.6035 *VOR civil airway No. 35 (Tri-City, Tenn., to Syracuse, N. Y.)*. From the Tri-City, Tenn., omnirange station via the intersection of the Tri-City omnirange 012° True and the Charleston omnirange 185° True radials; Charleston, W. Va., omnirange station; Parkersburg, W. Va., omnirange station; intersection of the Parkersburg omnirange 060° True and the Pittsburgh omnirange 223° True radials; Pittsburgh, Pa., omnirange station; Phillipsburg, Pa., omnirange station; Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station.

10. Section 600.6036 is amended to read: § 600.6036 *VOR civil airway No. 36 (Buffalo, N. Y., to New York, N. Y.)*. From the Buffalo, N. Y., omnirange station via the Elmira, N. Y., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station to the intersection of the Wilkes-Barre-Scranton omnirange 117° True and the Wilton, Conn., omnirange 233° True radials.

11. Section 600.6046 is amended to read: § 600.6046 *VOR civil airway No. 46 (New York, N. Y., to Nantucket, Mass.)*. From the point of intersection of the Riverhead, N. Y., omnirange 262° True and the Wilton, Conn., omnirange 198° True radials via the Riverhead, N. Y., omnirange station; intersection of the Riverhead omnirange 085° True and the Nantucket omnirange 255° True radials to the Nantucket, Mass., omnirange station.

12. Section 600.6113 is amended to read: § 600.6113 *VOR civil airway No. 113 (Paso Robles, Calif., to Reno, Nev.)*. From the Paso Robles, Calif., omnirange station via the intersection of the Paso Robles omnirange 352° True and the Modesto omnirange 176° True radials; Modesto, Calif., omnirange station to the Reno, Nev., omnirange station.

13. Section 600.6119 is amended to read: § 600.6119 *VOR civil airway No. 119 (Huntington, W. Va., to Bradford, Pa.)*. From the Huntington, W. Va., nondirec-

tional radio beacon via the Parkersburg, W. Va., omnirange station; Wheeling, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; intersection of the Pittsburgh omnirange 040° True and the Bradford omnirange 210° True radials to the Bradford, Pa., omnirange station.

14. Section 600.6130 is added to read: § 600.6130 *VOR civil airway No. 130 (Hartford, Conn., to Providence, R. I.)*. From the Hartford, Conn., omnirange station via the Norwich, Conn., omnirange station to the point of intersection of the Norwich omnirange 090° True radial and the Providence, R. I., ILS localizer course (Wyoming, R. I., fan marker).

15. Section 600.6138 is added to read: § 600.6138 *VOR civil airway No. 138. [Unassigned.]*

16. Section 600.6139 is added to read: § 600.6139 *VOR civil airway No. 139 (Norwich, Conn., to Boston, Mass.)*. From the Norwich, Conn., omnirange station via the intersection of the Norwich omnirange 090° True radial and the Providence, R. I., ILS localizer course at the Wyoming, R. I., fan marker; Providence, R. I., ILS localizer; intersection of the Providence ILS localizer course and the Boston ILS localizer course at the Easton, Mass., fan marker to the Boston, Mass., localizer.

17. Section 600.6140 is added to read: § 600.6140 *VOR civil airway No. 140. [Unassigned.]*

18. Section 600.6141 is added to read: § 600.6141 *VOR civil airway No. 141 (Nantucket, Mass., to Boston, Mass.)*. From the Nantucket, Mass., omnirange station via the intersection of the Nantucket omnirange 331° True and the Boston omnirange 137° True radials to the Boston, Mass., omnirange station.

19. Section 600.6142 is added to read: § 600.6142 *VOR civil airway No. 142. [Unassigned.]*

20. Section 600.6143 is added to read: § 600.6143 *VOR civil airway No. 143 (Montebello, Va., to Front Royal, Va.)*. From the Montebello, Va., omnirange station to the Front Royal, Va., omnirange station.

(Sec. 205, 52 Stat. 934, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., February 2, 1954.

[SEAL] F. B. LEE,  
Administrator of Civil Aeronautics.  
[F. R. Doc. 54-551; Filed, Jan. 27, 1954;  
8:45 a. m.]

[Amdt. 25]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the

civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.277 is amended to read:

§ 601.277 *Red civil airway No. 77 control areas (Greensboro, N. C., to Atlantic City, N. J.).* All of Red civil airway No. 77.

2. Section 601.620 is amended to read:

§ 601.620 *Blue civil airway No. 20 control areas (Millville, N. J., to Allentown, Pa.).* All of Blue civil airway No. 20.

3. Section 601.1130 is amended to read:

§ 601.1130 *Control area extension (Spokane, Wash.).* Within 5 miles either side of the north course of the Spokane radio range extending from the radio range station to a point 25 miles north, within 5 miles either side of the 22° and 322° True radials of the Spokane omnirange extending from the omnirange station to points 25 miles northeast and northwest; that airspace southwest of Spokane bounded on the north by Green civil airway No. 2, on the east by VOR civil airway No. 103 and on the southwest by a line 5 miles southwest of and parallel to a direct line between the Pine City and Harrington, Wash., fan markers; that airspace southeast of Spokane bounded on the north by VOR civil airway No. 2, on the west by Blue civil airway No. 1 and on the southeast by a line 5 miles southeast of and parallel to a direct line between the Pine City, Wash., fan marker and the intersection of the east course of the Spokane radio range and the south course of the Coeur d'Alene, Idaho radio range, and that airspace east of Spokane bounded on the south by Green civil airway No. 2 and on the northwest and northeast by Red civil airway No. 48.

4. Section 601.1150 *Control area extension (Wilmington, N. C.)* is amended by changing the last portion to read: "excluding that portion below 2,000 feet which lies outside the continental limits of the United States."

5. Section 601.1167 is added to read:

§ 601.1167 *Control area extension (Ontario, Oreg.).* That airspace within an 8½-mile radius of the Ontario, Oreg., airport including the airspace southeast of Ontario bounded on the northeast by Red civil airway No. 1, on the south by the Boise, Idaho, control area extension and on the southwest by a line 12 miles southwest of and parallel to Red civil airway No. 1.

6. Section 601.1284 is amended to read:

§ 601.1284 *Control area extension (Oklahoma City, Okla.).* All that air-

space within a 25-mile radius of the Oklahoma City, Okla., radio range station, including the airspace east of Oklahoma City bounded on the northwest by VOR civil airway No. 14 and on the south and southeast by Amber civil airway No. 4, and the airspace northeast of Oklahoma City bounded on the north by a line extending through points at latitude 36°01'45", longitude 97°20'25" and latitude 36°05'00", longitude 97°01'10", on the southeast by VOR civil airway No. 14N and on the west by VOR civil airway No. 77.

7. Section 601.1286 is amended to read:

§ 601.1286 *Control area extension (Fort Worth, Tex.).* All that airspace between Waco, Tex., Fort Worth-Dallas, Tex., and Oklahoma City, Okla., bounded on the southeast and east by Blue civil airway No. 5, on the southwest and west by Amber civil airway No. 4 and on the north by the Oklahoma City, Okla., control area extension; all that airspace between Waco, Tex., Fort Worth, Tex., Wichita Falls, Tex., and Abilene, Tex., bounded on the east by Amber civil airway No. 4, on the northeast by Red civil airway No. 10, on the northwest by Blue civil airway No. 6, on the south by Green civil airway No. 5 to Mineral Wells, Tex., thence on the west and southwest by Blue civil airway No. 70.

8. Section 601.1983 *Three mile radius zones* is amended by deleting the following airports:

Salem, Oreg.: Salem-McNary Airport, Spokane, Wash.: Fairchild AFB.

9. Section 601.1984 *Five mile radius zones*, is amended by deleting the following airport:

Spokane, Wash.: Geiger Municipal Airport.

10. Section 601.2264 *Dunkirk, N. Y., control zone* is revoked.

11. Section 601.2264 is added to read:

§ 601.2264 *Spokane, Wash., control zone.* Within a 5-mile radius of Geiger Field and within a 3-mile radius of Fairchild AFB including the airspace within 2 miles either side of the southwest course of the Geiger Field ILS localizer extending from Geiger Field to a point 10 miles southwest of the ILS outer marker.

12. Section 601.4277 is amended to read:

§ 601.4277 *Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).* No reporting point designation.

13. Section 601.4620 is amended to read:

§ 601.4620 *Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).* No reporting point designation.

14. Section 601.5001 *Other reporting points* is amended by adding the following reporting point:

Farallon Island, Calif., non-directional radio beacon.

15. Section 601.6016 is amended to read:

§ 601.6016 *VOR civil airway No. 16 control areas (Los Angeles, Calif., to Boston, Mass.).* All of VOR civil airway

No. 16, including north and south alternates.

16. Section 601.6034 is amended to read:

§ 601.6034 *VOR civil airway No. 34 control areas (Rochester, N. Y., to Wilton, Conn.).* All of VOR civil airway No. 34.

17. Section 601.6035 is amended to read:

§ 601.6035 *VOR civil airway No. 35 control areas (Tri-City, Tenn., to Syracuse, N. Y.).* All of VOR civil airway No. 35.

18. Section 601.6046 is amended to read:

§ 601.6046 *VOR civil airway No. 46 control areas (New York, N. Y., to Nantucket, Mass.).* All of VOR civil airway No. 46.

19. Section 601.6113 is amended to read:

§ 601.6113 *VOR civil airway No. 113 control areas (Paso Robles, Calif., to Reno, Nev.).* All of VOR civil airway No. 113.

20. Section 601.6119 is amended to read:

§ 601.6119 *VOR civil airway No. 119 control areas (Huntington, W. Va., to Bradford, Pa.).* All of VOR civil airway No. 119.

21. Section 601.6130 is added to read:

§ 601.6130 *VOR civil airway No. 130 control areas (Hartford, Conn., to Providence, R. I.).* All of VOR civil airway No. 130.

22. Section 601.6138 is added to read:

§ 601.6138 *VOR civil airway No. 138 control areas.* [Unassigned.]

23. Section 601.6139 is added to read:

§ 601.6139 *VOR civil airway No. 139 control areas (Norwich, Conn., to Boston, Mass.).* All of VOR civil airway No. 139.

24. Section 601.6140 is added to read:

§ 601.6140 *VOR civil airway No. 140 control areas.* [Unassigned.]

25. Section 601.6141 is added to read:

§ 601.6141 *VOR civil airway No. 141 control areas (Nantucket, Mass., to Boston, Mass.).* All of VOR civil airway No. 141.

26. Section 601.6142 is added to read:

§ 601.6142 *VOR civil airway No. 142 control areas.* [Unassigned.]

27. Section 601.6143 is added to read:

§ 601.6143 *VOR civil airway No. 143 control areas (Montebello, Va., to Front Royal, Va.).* All of VOR civil airway No. 143.

28. Section 601.7001 *Domestic VOR reporting points* is amended by deleting the following reporting point:

Caldwell, N. J., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551).

This amendment shall become effective 0001 e. s. t. February 2, 1954.

[SEAL] F. B. LEE,  
Administrator of Civil Aeronautics.

[F. R. Doc. 54-552; Filed, Jan. 27, 1954;  
8:48 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

#### PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

##### MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 369; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 3533, 18 F. R. 1207) are amended as indicated below:

1. In § 141.1 *Sodium penicillin* . . . amend paragraph (e) *Preparation of plates* by inserting between the eighteenth and nineteenth sentences the following: "(In the preparation of the suspensions of the test organism on agar slants and Roux bottles, the 24-hour storage periods at room temperature may be omitted if the suspensions will permit 20-percent light transmission through a filter at 6,500 angstrom units in a photoelectric colorimeter.)"

2. In § 146.101 *Streptomycin sulfate* . . . paragraph (c) (3) (iii) is amended to read:

(c) *Labeling*. . . .  
(3) . . . .

(iii) The conditions under which such solutions should be stored, including the statement "Sterile solutions may be stored at room temperature for 4 weeks without significant loss of potency."

3. In § 146.414 *Bacitracin-neomycin with vasoconstrictor* . . . the first sentence of paragraph (a) (2) is amended by changing the period at the end thereof to a comma and adding the following new clause: "except that the blank may be filled in with the date which is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it

was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: January 21, 1954.

[SEAL] OVETA CULP HOBBY,  
Secretary.

[F. R. Doc. 54-594; Filed, Jan. 27, 1954;  
8:54 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

#### PART 204—DANGER ZONE REGULATIONS

##### CHESAPEAKE BAY AREA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.42 governing the use and navigation of waters of Chesapeake Bay from Point Lookout to Cedar Point, Maryland, comprising an aerial gunnery range and target areas, is hereby amended to include an additional target area, as follows:

§ 204.42 *Chesapeake Bay, Point Lookout to Cedar Point; aerial gunnery range and target areas, U. S. Naval Air Station, Patuxent River, Md.*—(a) *Aerial gunnery range*—(1) *The danger zone*. The waters of Chesapeake Bay within an area described as follows: Beginning at the easternmost extremity of Cedar Point; thence easterly to the southern tip of Barren Island; thence southeasterly to latitude 38°01'15", longitude 76°05'33"; thence southwesterly to Kedges Strait Middle Ground Buoy 14 (approximately latitude 37°59'36", longitude 76°10'30"); thence northwesterly to Fish Net Buoy 20 W (approximately latitude 38°02'20", longitude 76°17'26"); thence northerly to Point No Point Light; thence northwesterly to the shore at latitude 38°15'45"; thence northeasterly along the shore to the point of beginning. Aerial machine gun practice will be conducted in this area throughout the year.

(2) *The regulations*. (i) Through navigation of surface craft will be permitted at all times outside the target areas. Such vessels shall proceed on their normal course and shall not delay their progress.

(ii) Advance notice will be given of the date on which firing practice is to begin, and such notice will be published in "Notice to Mariners". The range will be used throughout the year, and no further notice that firing is continuing will be given.

(iii) Prior to firing practice the gunnery range will be patrolled by surface craft or naval aircraft to warn any watercraft likely to be endangered by such firing by means of signals that firing is to take place. Surface craft so used will display a square flag. Naval aircraft

will employ a method of warning consisting of repeated shallow dives to a low altitude in the area following each dive with a sharp pull-up.

(iv) Any watercraft under way or at anchor, upon being so warned, shall immediately vacate the area and shall remain outside the area until conclusion of firing practice.

(v) Military and naval vessels will conduct gunnery and training exercises in the aerial gunnery range. When there is apparent conflict between surface craft with attendant planes and planes operating under the control of the Naval Test Center, Patuxent River, Maryland, planes from the Naval Test Center are expected to keep clear.

(vi) Nothing in this section shall prevent oystering or the setting of fishing structures within the range outside the target areas in accordance with approved Federal and State regulations: Provided, that no permanent or semipermanent fishing structures or oyster ground marker shall be placed on the western side of Chesapeake Bay between Point No Point and Cedar Point, without prior written approval of the Commanding Officer, U. S. Naval Air Station, Patuxent River, Maryland.

(vii) When operations are being conducted in the target areas, all projectiles, bombs, and other missiles will be released to fall within the areas, but naval authorities will not be responsible for damage by such missiles or by Naval or Coast Guard vessels to fishing structures or fishing equipment which may be located adjacent to the target areas.

(b) *Target areas*—(1) *Prohibited areas*. (i) A circular area with a radius of 400 yards having its center at latitude 38°16'54", longitude 76°22'00" (bearing approximately 176° true, 1,870 yards from Cedar Point Light).

(ii) A circular area with a radius of 600 yards having its center at latitude 38°13'00", longitude 76°19'00" (bearing approximately 153° true, 11,130 yards from Cedar Point Light).

(2) *Restricted area*. A circular area with a radius of 600 yards having its center at latitude 38°02'18", longitude 76°09'26" (bearing approximately 237° 50' true, 7,000 yards from Holland Island Bar Light).

(3) *The regulations*. (i) Nonexplosive aerial projectiles will be dropped at infrequent intervals in the areas described in subparagraph (1) (i) and (ii) of this paragraph. The areas shall be closed to navigation at all times except for vessels engaged in operational and maintenance operations as directed by the Commanding Officer, U. S. Naval Air Station, Patuxent River, Maryland. The areas will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the areas. Vessels which have inadvertently entered the danger zones upon being so warned shall leave the areas immediately.

(ii) Nonexplosive aerial projectiles will be dropped and aerial machine gun firing will be conducted in the area described in subparagraph (2) of this paragraph. Operations will be conducted throughout the year from sunrise to sunset daily and no vessel or other craft

shall enter or remain in the area during daylight hours, except on prior written approval of the Commanding Officer, U. S. Naval Station, Patuxent River, Maryland. The area will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the area. Vessels which have inadvertently entered the danger zone upon being so warned shall leave the area immediately.

(c) The regulations in this section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

[Regs., Dec. 30, 1953; 800.2121 (Chesapeake Bay)-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL]

WM. E. BERGIN,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 54-549; Filed, Jan. 27, 1954;  
8:45 a. m.]

#### PART 204—DANGER ZONE REGULATIONS ALBEMARLE SOUND, PAMLICO SOUND, AND ADJACENT WATERS, NORTH CAROLINA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), section 204.54 establishing and governing the use and navigation of danger zones for naval aircraft operations in Albemarle Sound, Pamlico Sound, and adjacent waters, North Carolina, is hereby amended, changing paragraphs (a) and (d) (1) to include an additional target area in the waters of North Landing River, as follows:

§ 204.54 Albemarle Sound, Pamlico Sound, and adjacent waters, N. C.; danger zones for naval aircraft operations—  
(a) Target areas—(1) North Landing River (Currituck Sound). The waters of North Landing River within a radius of 1,000 yards from a target located at latitude 36°31'00", longitude 76°01'40".

(2) Northern part of Currituck Sound. Beginning at a point bearing 65° 30', 1,025 yards, from Currituck Sound Light 69; thence 86°, 6,000 yards; thence 193°, 4,425 yards; thence 267° 30', 2,775 yards; and thence to the point of beginning. The target is located at latitude 36°27'16", longitude 75°56'30".

(3) North of Currituck Beach Light. The waters of Currituck Sound and the Atlantic Ocean within a radius of 1,000 yards from a target located at latitude 36°25'24", longitude 75°50'09".

(4) South of Caffey Inlet Coast Guard Station. The waters of Currituck Sound and the Atlantic Ocean within a radius of 1,000 yards from a target located at latitude 36°12'15", longitude 75°45'57".

(5) Southeast of Caffey Inlet Coast Guard Station. The waters of Currituck

Sound and the Atlantic Ocean within an area described as follows: Beginning at a point bearing 170°, 5,900 yards, from Caffey Inlet Coast Guard Station; thence 55° 30', 7,650 yards; thence 177°, 8,700 yards; and thence to the point of beginning. The target is located at latitude 36°10'28", longitude 75°45'04".

NOTE: All bearings in this section are referred to true meridian.

(d) The regulations—(1) Target areas. The area described in subparagraph (1) of paragraph (a) of this section will be used as a dive bombing target by naval aircraft. In peacetime, munitions will be limited to miniature bombs which contain only small explosive charges for producing smoke puffs to mark points of impact. All operations will be conducted during daylight hours, and the area will be open to navigation at night. No vessel shall enter this area during the hours of daylight without special permission from the enforcing agency. The area will be patrolled and vessels will be warned not to enter. "Buzzing" by plane will warn vessels that they are in a danger zone, and upon being so warned they shall immediately leave the area. The areas described in subparagraphs (2), (3), (4) and (5) of paragraph (a) of this section will be used as target areas by naval aircraft. The areas shall be closed to navigation at all times, except for vessels engaged in operational and maintenance work as directed by the enforcing agency. Prior to the conduct of operations the areas will be patrolled by naval aircraft. "Buzzing" by plane will warn vessels that they are in a danger zone, and upon being so warned vessels which have inadvertently entered one of the areas shall immediately leave the area or areas.

[Regs., Dec. 29, 1953, 800.2121-ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL]

WM. E. BERGIN,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 54-548; Filed, Jan. 27, 1954;  
8:45 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

##### INSTRUCTIONS FOR CONDUCT OF DOMESTIC TELEGRAPH SPEED OF SERVICE STUDIES AND SUBMISSION OF REPORTS THEREOF

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954:

The Commission, having under consideration a letter dated December 15, 1953, from the Western Union Telegraph Company requesting that § 64.221 of Subpart B of Part 64 of the Commission's rules and regulations governing domestic telegraph speed of service studies be amended, effective February 1, 1954, to delete Charlotte, North Carolina, from the cities listed therein at which Western Union is required to conduct monthly speed of service studies, and to substitute, in lieu thereof, Milwaukee, Wisconsin;

It appearing, that the major portion of the relay traffic load has been removed from Charlotte and placed in the Richmond, Virginia, reperforator office, thereby leaving very little traffic in the Charlotte office to be tallied for speed of service purposes; and that Western Union's manually-operated message center at Milwaukee, Wisconsin, currently handles the largest volume of domestic telegraph traffic of any office not now listed in § 64.221 of the rules;

It further appearing, that notice of proposed rule-making pursuant to section 4 (a) of the Administrative Procedure Act may be omitted as unnecessary because the proposed amendment involves only a minor change in the Commission's rules;

It further appearing, that such rule change may be made effective on less than 30 days notice inasmuch as Western Union is the only person affected by the change and it has requested that the amendment be made effective February 1, 1954;

It further appearing, that authority for the proposed amendment is contained in sections 4 (i) and 218 of the Communications Act of 1934, as amended;

It is ordered, That, effective February 1, 1954, § 64.221 of Subpart B of Part 64 of the Commission's rules and regulations governing domestic telegraph speed of service studies is amended by deleting "Charlotte, N. C." from the list of cities therein and adding "Milwaukee, Wis." immediately following "Los Angeles Calif."

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 218, 48 Stat. 1077; 47 U. S. C. 218)

Released: January 21, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION.

[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 54-560; Filed, Jan. 27, 1954;  
8:47 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [ 7 CFR Part 52 ]

#### FROZEN STRAWBERRIES<sup>1</sup>

##### U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Frozen Strawberries pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq.; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953). The proposal provides three grades for the product above Substandard instead of only two grades as in the present standards (7 CFR Part 52; 18 F. R. 8059). This revision, if made effective, will be the fifth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

##### PRODUCT DESCRIPTION, STYLES, SIZES AND GRADES

|         |                                     |
|---------|-------------------------------------|
| Sec.    | Product description.                |
| 52.1981 | Product description.                |
| 52.1982 | Styles of frozen strawberries.      |
| 52.1983 | Sizes of whole frozen strawberries. |
| 52.1984 | Grades of frozen strawberries.      |

##### FACTORS OF QUALITY

|         |                                                                |
|---------|----------------------------------------------------------------|
| 52.1985 | Ascertaining the score and grade for frozen strawberries.      |
| 52.1986 | Ascertaining the score of each factor for frozen strawberries. |
| 52.1987 | Color.                                                         |
| 52.1988 | Defects.                                                       |
| 52.1989 | Character.                                                     |

##### LOT CERTIFICATION TOLERANCE

|         |                                                           |
|---------|-----------------------------------------------------------|
| 52.1990 | Tolerances for certification of officially drawn samples. |
|---------|-----------------------------------------------------------|

##### SCORE SHEET

|         |                                      |
|---------|--------------------------------------|
| 52.1991 | Score sheet for frozen strawberries. |
|---------|--------------------------------------|

**AUTHORITY:** §§ 52.1981 to 52.1991 Issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624; Pub. Law 156, 83d Cong.

##### PRODUCT, DESCRIPTION, STYLES, SIZES AND GRADES

§ 52.1981 *Product description.* Frozen strawberries means the frozen product prepared from sound, properly ripened fresh fruit of the strawberry plant by stemming, proper washing, sorting, and properly draining, may be

packed with or without packing media, and are then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.1982 *Styles of frozen strawberries.* (a) "Whole."  
(b) "Sliced."

§ 52.1983 *Sizes of whole frozen strawberries.* Except with respect to U. S. Grade A or U. S. Fancy grade, the size of the whole frozen strawberry is not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purpose of these grades. When used in connection with the following sizes of whole frozen strawberries, the term "diameter" means the greatest dimension measured at right angles to a straight line running from the stem to the apex:

(a) Small size means whole frozen strawberries that measure less than  $\frac{1}{2}$  inch in diameter.

(b) Medium size means whole frozen strawberries that measure  $\frac{1}{2}$  inch to one inch, inclusive, in diameter.

(c) Large size means whole frozen strawberries that measure more than one inch in diameter.

§ 52.1984 *Grades of frozen strawberries.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen strawberries that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically free from defects; that possess a good character; that score not less than 90 points when scored in accordance with the scoring system outlined in this section and that with respect to whole style contain not more than 5 percent, by count, of whole strawberries that are small size.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen strawberries that possess similar varietal characteristics; that possess a good flavor; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good character; and that score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen strawberries that possess similar varietal characteristics; that possess a fairly good flavor; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(d) "Substandard" is the quality of frozen strawberries that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

##### FACTORS OF QUALITY

§ 52.1985 *Ascertaining the score and grade for frozen strawberries.* (a) The grade of frozen strawberries is determined immediately after thawing to the extent that the units may be separated

easily. The grade of frozen strawberries is ascertained by considering with respect to varietal characteristics, flavor and odor, and size relative to U. S. Grade A or U. S. Fancy which are not scored and the requirements and the factors of color, defects, and character, which are scored.

(b) The relative importance of each factor has been expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

| Factors:    | Points |
|-------------|--------|
| Color       | 40     |
| Defects     | 40     |
| Character   | 20     |
| Total score | 100    |

(c) "Good flavor" means that the product has a good characteristic, normal flavor and odor, and is free from objectionable flavors or objectionable odors of any kind.

(d) "Fairly good flavor" means that the product may be lacking in good characteristic normal flavor and odor but is free from objectionable flavors or objectionable odors of any kind.

§ 52.1986 *Ascertaining the score of each factor for frozen strawberries.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor is inclusive. For example, the range "36 to 40 points" means 36, 37, 38, 39, or 40 points.

§ 52.1987 *Color—(a) (A) classification.* Frozen strawberries that possess a good color may be given a score of 36 to 40 points. "Good color" means that the frozen strawberries possess a good red or good pink color characteristic of similar varieties, which is not more than slightly affected by a dull, grey, or reddish-brown cast, and that:

(1) With respect to whole style 85 percent or more, by count, of the strawberries have practically the entire surface red or pink characteristic color, but of the balance not more than 5 percent, by count, of all the strawberries may have less than  $\frac{1}{2}$  of the surface area of a characteristic red or pink color, and that:

(2) With respect to sliced style 85 percent or more, by weight, of the strawberries have practically the entire outer surface (not including cut surfaces) of the slice red or pink characteristics color, but of the balance not more than 5 percent by weight, of all the slices may have less than  $\frac{1}{2}$  of the outer surface of the slice (not including cut surfaces) red or pink characteristics color.

(b) (B) classification. If the frozen strawberries possess a reasonably good color, a score of 32 to 35 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen

<sup>1</sup> The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

strawberries possess a reasonably good red or reasonably good pink color characteristic of similar varieties, which is not materially affected by a dull, grey, or reddish-brown cast, and that:

(1) With respect to the whole style 75 percent or more, by count, of the strawberries have practically the entire surface red or pink characteristic color, but of the balance not more than 10 percent, by count, of all the strawberries may have less than  $\frac{1}{2}$  of the surface area of a characteristic red or pink color, and that:

(2) With respect to sliced style 75 percent or more, by weight, of the strawberries have practically the entire outer surface (not including cut surfaces) of the slice red or pink characteristic color, but of the balance not more than 10 percent, by weight, of all the slices may have less than  $\frac{1}{2}$  of the outer surface of the slice (not including cut surfaces) red or pink characteristic color.

(c) (C) classification. If the frozen strawberries possess a fairly good color, a score of 28 to 31 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the frozen strawberries possess a fairly good red or fairly good pink color characteristic of similar varieties, that may show a dull, grey, or reddish-brown cast, but not to the extent that the appearance or eating quality is seriously affected, and that:

(1) With respect to whole style not more than 25 percent, by count, of the strawberries may have less than  $\frac{1}{2}$  of the surface area of a characteristic red or pink color, and that:

(2) With respect to sliced style not more than 25 percent, by weight, of the slices may have less than  $\frac{1}{2}$  of the outer surface of the slice (not including cut surfaces) red or pink characteristic color.

(d) (SStd) classification. Frozen strawberries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1988 Defects—(a) General. The factor of defects refers to the degree of freedom from grit, sand, or silt, from harmless extraneous material, caps and portions thereof, sepal-like bracts and portions thereof, stems, short stems, and damaged strawberries.

(1) "Harmless extraneous material" means vegetable substances such as weeds, grass, and leaves and any portions thereof that are harmless.

(2) "Grit, sand, or silt" means any particles of earthy material.

(3) A "cap" means a loose or attached full cap or portion of a cap to which at least one sepal-like bract or a portion thereof is attached. A "short stem" that is attached to the cap is considered a part of the cap. A "stem" that is attached to the cap is considered a separate defect.

(4) A "stem" means a stem, either loose or attached, that is longer than one-eighth inch.

(5) A "short stem" means a stem that is one-eighth inch or less in length and which may include the center portion of a cap to which no sepal-like bract or portion thereof is attached.

(6) A "damaged strawberry" means a strawberry or a portion of a strawberry that is damaged by bruises or by other injury or possesses a hard, seedy, or deformed end or that possesses deformed or damaged areas which materially affect either the appearance or edibility of the product. Minute, insignificant injuries are not considered as damage.

(7) "Area" means the aggregate surface covered by the material stated when such material or portions thereof are placed in a contiguous position with no intervening spaces.

(b) (A) classification. Frozen strawberries that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" has the following meanings with respect to the following styles of frozen strawberries:

(1) Whole. No grit, sand, or silt may be present that affects the appearance or eating quality of the product and for each 16 ounces of net weight there may be present an area of not more than one-fourth square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than two stems, including not more than one stem which may exceed one-half inch in length, or one piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 16 short stems; and there may be present not more than a total of 5 percent, by weight, that are damaged strawberries.

(2) Sliced. No grit, sand, or silt may be present that affects the appearance or eating quality of the product and for each 16 ounces of net weight there may be present an area of not more than one-fourth square inch comprising harmless extraneous material (such as leaves and portions thereof); caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than two stems, including not more than one stem which may exceed one-half inch in length, or one piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 16 short stems; and there may be present not more than a total of 2½ percent, by weight, that are damaged portions of strawberries.

(c) (B) classification. If the frozen strawberries are reasonably free from defects, a score of 32 to 35 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meanings with respect to the following styles of frozen strawberries.

(1) Whole. No grit, sand, or silt may be present that affects the appearance or eating quality of the product and for each 16 ounces of net weight there may be present an area of not more than one-half square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than four stems, including not more than one stem which may exceed one-half inch in length, or one piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 32 short stems; and there may be present not more than a total of 10 percent, by weight, that are damaged strawberries.

(2) Sliced. No grit, sand, or silt may be present that affects the appearance or eating quality of the product and for each 16 ounces of net weight there may be present an area of not more than ½ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than four stems, including not more than one stem which may exceed ½ inch in length or one piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 32 short stems; and there may be present not more than a total of 5 percent, by weight, that are damaged portions of strawberries.

(d) (C) classification. If the frozen strawberries are fairly free from defects, a score of 28 to 31 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles of frozen strawberries:

(1) Whole. A trace of grit, sand, or silt may be present that does not materially affect the appearance or eating quality of the product and for each 16 ounces of net weight, there may be present an area of not more than ¾ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than 6 stems, including not more than one stem which may exceed ½ inch in length, or one piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and there may be present not more than a total of 20 percent, by weight, that are damaged strawberries.

(2) Sliced. A trace of grit, sand, or silt may be present that does not materially affect the appearance or eating quality of the product and for each 16 ounces of net weight, there may be present an area of not more than ¾ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than 6 stems, includ-

ing not more than one stem which may exceed  $\frac{1}{2}$  inch in length, or one piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and there may be present not more than a total of 10 percent, by weight, that are damaged portions of strawberries.

(e) (SStd) classification. Frozen strawberries that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score of the product (this is a limiting rule).

§ 52.1989 Character—(a) General. The factor of character refers to the texture and the degree of wholeness, degree of disintegration as evidenced by partial strawberries and mushy strawberries.

(1) A "partial strawberry" in whole style means that less than  $\frac{3}{4}$  of the apparent whole strawberry remains intact.

(2) "Mushy strawberries" in whole and sliced styles are strawberries that are so soft that they are a pulpy mass and with respect to sliced style also includes badly disintegrated slices.

(b) (A) classification. Frozen strawberries that possess a good character may be given a score of 18 to 20 points. "Good character" means that the strawberries are fleshy, reasonably firm, that the appearance and eating quality of the product are not materially affected by disintegration or seediness and that:

(1) Not more than 10 percent, by weight, of strawberries in whole style may be partial strawberries and mushy strawberries; and

(2) Not more than 15 percent, by weight, of strawberries in sliced style may be mushy strawberries.

(c) (B) classification. If the frozen strawberries have a reasonably good character, a score of 16 or 17 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the strawberries are reasonably fleshy, fairly firm, that the appearance and eating quality of the product are not seriously affected by seediness or disintegration, and that:

(1) Not more than 20 percent, by weight, of strawberries in whole style may be partial strawberries and mushy strawberries; and

(2) Not more than 25 percent, by weight, of strawberries in sliced style may be mushy strawberries.

(d) (C) classification. If the frozen strawberries have a fairly good character, a score of 14 or 15 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the strawberries are fairly fleshy, fairly firm and that:

(1) Not more than 25 percent, by count, of strawberries in whole style may be partial strawberries and mushy strawberries; and

(2) Not more than 30 percent, by weight, of strawberries may be mushy strawberries.

(e) (SStd) classification. Frozen strawberries that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

#### LOT CERTIFICATION TOLERANCES

§ 52.1990 Tolerances for certification of officially drawn samples. (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen strawberries, the grade for such lot, if all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, will be determined by averaging the total scores of all containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of such containers fails to meet the grade indicated by the average of such total scores:

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of the total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(4) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

#### SCORE SHEET

§ 52.1991 Score sheet for frozen strawberries.

|                                                         |                      |                                                                                                                 |
|---------------------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------|
| Number, size, and kind of container.....                |                      |                                                                                                                 |
| Label: Style or pack: Fruit-sugar ratio (if shown)..... |                      |                                                                                                                 |
| Container mark or identification                        | Containers or sample | Average                                                                                                         |
|                                                         | Cases                |                                                                                                                 |
| Net weight (ounces).....                                |                      |                                                                                                                 |
| Style.....                                              |                      |                                                                                                                 |
| Size or sizes (whole).....                              |                      |                                                                                                                 |
| Under $\frac{5}{8}$ " (percent by count).....           |                      |                                                                                                                 |
| Factors                                                 | Score points         |                                                                                                                 |
| I. Color.....                                           | 40                   | (A) 135-40<br>(B) 132-35<br>(C) 128-31<br>(SStd.) 10-27<br>(A) 36-40<br>(B) 33-35<br>(C) 28-31<br>(SStd.) 10-27 |
| II. Absence of defects....                              | 40                   | (A) 18-20<br>(B) 16-17<br>(C) 14-15<br>(SStd.) 10-13                                                            |
| III. Character.....                                     | 20                   |                                                                                                                 |
| Total score.....                                        | 100                  |                                                                                                                 |
| Normal flavor and odor.....                             |                      |                                                                                                                 |
| Grade.....                                              |                      |                                                                                                                 |

\* Indicates limiting rule within classification.

Done at Washington, D. C., this 25th day of January 1954.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator,  
Agricultural Marketing Service.

[F. R. Doc. 54-595; Filed, Jan. 27, 1954;  
8:54 a. m.]

#### [ 7 CFR Part 905 ]

#### HANDLING OF MILK IN OKLAHOMA CITY, OKLAHOMA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposal to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

**Preliminary statement.** The hearing, on the record of which the following findings and conclusions were formulated, was conducted at Oklahoma City, Oklahoma, on October 19-21, 1953, pursuant to notice thereof which was issued on September 29, 1953 (18 F. R. 6339).

The material issues of record are concerned with:

1. The level and supply-demand adjustment of the Class I price;
2. The method of determining the Class II price;
3. Proposals for the classification and allocation of milk relating to:
  - (a) Classification of milk transferred to unapproved plants;
  - (b) Aerated products;
  - (c) Emergency milk;
  - (d) Shrinkage and dumped skim milk; and

- (e) Inventories.
4. Payments to producers:
  - (a) The base payment period; and
  - (b) Partial payments.
5. Definitions of producer and producer-handler; and
6. The date of announcement of the Class I price.

**Findings and conclusions.** The following findings and conclusions are based upon the testimony received at the hearing and the record thereof:

1. The pricing of Class I milk. The following three proposals were made to

change pricing provisions with respect to Class I milk:

- (a) To amend the supply-demand adjustment,
- (b) To make the basic formula price the same as the Class II price, and
- (c) To reduce the Class I differential by 25 cents.

The Class I price of the Oklahoma City order is presently determined by adding a Class I differential \$1.90 (\$1.70 for April, May and June) to a basic formula price which is the higher of the paying prices of midwest condenseries or a butter-powder formula price. The price so determined is adjusted on the basis of the ratio of producer receipts to Class I sales in the immediately preceding two month period.

Producers proposed that the supply-demand adjustment provisions be modified by (1) changing the representative ratio or norm now incorporated in the order by an average of approximately 11 percentage points, (2) providing that price adjustments apply only for deviations from the norm that exceed 10 percentage points instead of 2 percentage points, and (3) limiting the total adjustment to 30 cents instead of 50 cents.

The present supply-demand adjustment became effective July 1, 1952. Except for July, when there was no adjustment, upward adjustments resulted in the remaining months of 1952. For 1953 however there has been some downward adjustment of the price each month. For January, February, and March the amount was only 3 cents, but from April on the decrease has ranged from 21 to 50 cents, averaging 34 cents. Producers contend that these adjustments, coupled with decreases in the basic formula price, have resulted in prices that are too low to assure a continued supply for the market.

Supply-demand adjustments provide an automatic means whereby prices may be adjusted to changing conditions more rapidly than by the procedure of public hearing and order amendment. They are designed to increase prices when current conditions indicate the need for greater price incentive to bring more milk to the market and to avoid the incentive for more milk to come to the market when current conditions indicate that supplies will be more than ample.

Milk supplies in the Oklahoma City market have increased substantially in 1953 over those for 1952. While there has been some increase in Class I sales this has been at a lesser rate than the increase in production. As a result the ratio of producer receipts to Class I sales for the first 9 months of 1953 averaged 135 as contrasted with an average of 116 for the same months of 1952. While receipts in September 1952 were only 101 percent of sales, in September 1953 they were 123 percent. For August the comparable figures were 111 and 148 respectively.

In general the proposed changes in the supply-demand formula would provide increases in price approximating those of the present provision and would have eliminated practically all the decreases that have occurred. The wide range of utilization, 20 percentage points

(10 each above and below the proposed norm) within which no adjustment was proposed, would make such a provision relatively ineffective in reflecting changes in supply and sales relationships in the Class I price.

The Oklahoma City market has not been adequately supplied with milk during fall months in any year prior to 1953 since the effective date of the order. The representative ratios or norm presently provided in the order reflects this experience to a limited extent. A ratio of 107 percent of Class I sales is presently the norm for the lowest two-month period October-November. Testimony in this record indicates that 110 percent of Class I sales is a base minimum supply with which a handler can operate over a 60 day accounting period. Now that the market is fully supplied it is considered appropriate that the norm be raised to represent this base minimum supply in the short season, but not to the extent proposed by producers. The present norm appears well adjusted seasonally. Addition of 3 percentage points uniformly to each two-month ratio will provide adjustment to an adequate supply level in the short season without distorting the seasonal adjustment. The effect of such adjustment on the present level of prices will be minor, it will prevent however the possibility of downward adjustments at times when the market may be slightly undersupplied in the short season.

No change should be made in the other features of the supply-demand adjustment. The present range of no adjustment provides sensitivity which should be retained. The maximum adjustment of 50 cents in either direction should also be retained rather than limiting the movement of prices to 30 cents. Such a limit is of necessity arbitrary, and is a means of limiting action under conditions of extreme shortage or surplus until such time as other pricing features can be considered in a public hearing. These considerations do not require that the range of price change be limited narrowly.

Handler proposals for changes in basic formula prices and Class I differentials should not be adopted. Testimony in support of these proposals indicates that the proponents are principally interested in offsetting the increase in the price that might have resulted from adoption of producer proposals for revision of the supply-demand formula. Use of the Class II price as the basic formula price would not produce price changes in the Oklahoma City market consistent with those in nearby markets which currently use a basic formula price identical with that of the Oklahoma City order. It is argued that with a sensitive supply-demand adjustment the actual Class I price could be the same even though the basic formula price plus Class I differential might be lower. Even though such a result is conceivable after a long period of operation, no solution is offered as to how such a result might be achieved in a transition period from one method of pricing to another. Even though milk supplies have increased substantially in the Oklahoma City market during the

past year there is no evidence that over a long period present prices and differentials are excessive. From mid 1950 through 1952 prices at approximately these levels did not fully supply the market.

2. *The Class II price.* It was proposed that two plants in the group of the manufacturing plants used to determine the Class II paying price be deleted and two other plants be substituted. The effect of the substitution of the proposed plants on the Class II price can not be determined from the record. The Class II price should be at such levels as will permit market outlets for necessary reserve supplies and at the same time not encourage handlers to retain or increase producer receipts primarily for Class II use. The testimony fails to show that the substitution of the proposed plants would reflect a price which is more representative of competitive prices for milk for manufacturing uses in this area. The record shows that the producers association is willing to handle, for its members, all milk in excess of the handler's Class I requirements which they do not desire to receive at order prices. It is concluded that the present basis of establishing Class II prices should not be changed.

3. *Classification and allocation of milk.* a. The provisions of the order pertaining to the classification of milk transferred or diverted to unapproved milk plants should be modified to apply the same classification rules to all milk and skim milk transferred to unapproved plants regardless of the type of operation conducted at such plants.

The present order language provides, in part, for the classification of transferred milk from an approved plant to an unapproved plant on the basis of location and the character of operation at the unapproved plant. If the movement of such milk is more than 200 miles from the approved plant, the milk is classified as Class I. If the movement is less than 200 miles from the approved plant, the classification then becomes dependent on whether or not the unapproved plant receiving such transferred milk operates wholesale and retail routes. Transfers to plants which do not operate routes are classified automatically as Class II milk. The classification of milk transferred to unapproved plants having routes is dependent on:

(a) Utilization of milk at the unapproved plant after first giving priority to receipts from the plant's regular dairy farmers; and

(b) The availability of books and records for audit by the market administrator.

The record indicates that all milk or skim milk transferred to unapproved plants within the 200 miles radius of the market should be classified on a uniform basis. Classification procedure based on whether or not the unapproved plant operates retail or wholesale routes is not a satisfactory criteria for classification under present conditions. The rules which now apply to transfers to processing plants operating routes should be applied to all unapproved plants.

The record shows that some unapproved plants may be engaged in receiving and cooling milk for shipment to other outlets with little or no milk processed in the plant to which the milk is first transferred or diverted. In order to achieve uniformity in the classification procedure, provision should be made to classify such transfers or diversions from the approved plant on the basis of the utilization in the plant which processes or manufactures such milk. The proposed change will enable the market administrator to follow the utilization of the milk beyond the first unapproved plant to determine its classification. This will clarify the intent of the transfer provisions and eliminate the possibility of transferring or diverting, as Class II milk, producer milk through non-processing plants for use in other unapproved plants for Class I usage.

Under the present order fluid cream transferred under Grade A certification to an unapproved plant located beyond a 200 mile radius from the approved plant is classified as Class I milk and as Class II milk if moved without such certification. Cream transferred to unapproved plants within the 200 mile radius is Class II if transferred to a plant but does not operate retail or wholesale routes. Cream transferred to plants operating routes is classified on the same basis as milk or skim milk.

The order should be changed to provide that cream transferred to an unapproved plant shall be Class I milk unless the handler (a) claims classification as Class II milk, (b) establishes that such cream was transferred without Grade A certification, and (c) labels or tags each container to indicate that the contents are for manufacturing use only. This proposed change will provide a uniform method for establishing the classification of cream transferred to an unapproved plant regardless of the type of operation or location of the unapproved plant.

It was proposed by handlers that milk transferred to unapproved plants within the 200 mile radius be classified by the market administrator on the basis of certification by the handler as to the use of the milk. It is essential that the market administrator be permitted to verify the utilization of transferred milk at unapproved plants in the same manner that verification is made of receipts and utilization in the plants of handlers.

b. Aerated products containing milk or cream should be classified as Class II milk rather than Class I milk as presently provided. Such products are permitted by health authorities to be disposed of in the Oklahoma City area without being from locally inspected sources. No handler in the market produces such products. The present provision places handlers at a competitive disadvantage with wholesale grocers, in importing aerated products processed elsewhere for distribution in the market.

c. Proposed definition and allocation of emergency milk: It was proposed that during the months of October through January certain other source milk imported under emergency health department permits be defined as "emergency

milk" and allocated separately. The notice of hearing indicated a different method of establishing the maximum volume to be defined as emergency milk and provided allocation for such milk which would have produced no change from that resulting under the present order in the classification of producer milk. Evidence at the hearing indicated that the intent was that the volume of such milk to be defined as emergency milk should be that by which 115 percent of Class I sales exceeded producer receipts and that such emergency milk should have prior claim over producer milk for Class I sales. The net result of such a system would be that regardless of market supplies in relation to sales, producers would be paid at Class II prices for a volume of milk equal to 15 percent of the handler's Class I sales. In periods of extreme shortage, the shorter the supply of producer milk the lower would be the uniform price to producers.

Emergency milk provisions should not be included in the order on the basis of this record. Presently producer milk supplies appear to be adequate to supply the needs of the market so that supplementary supplies are not required.

d. Handlers proposed that skim milk and butterfat not specifically accounted for as Class II milk no longer be defined as Class I milk, that the shrinkage allowance be increased during the flush production months and that dumped milk be classified as Class II milk. Discussion of the proposals resulted in the abandonment by the handlers of support of that part of the proposal relating to an increase in the shrinkage allowance. Skim milk and butterfat not specifically accounted for as Class II milk should be classified as Class I milk if there is to be any limit on the shrinkage allowance. The Oklahoma City order provides that skim milk and butterfat used to produce any product not specifically named as a Class I product shall be Class II milk, but if a handler fails to account for the use of his receipts they are classified as Class I milk other than for the shrinkage allowance. At present, inasmuch as there is no specific classification for skim milk which may be required to be dumped, it is automatically classified as Class I milk when its volume exceeds the shrinkage allowance. Occasions may arise however when handlers are unable to process or otherwise dispose of skim milk in excess of their needs. At such times the only practical outlet may be processed skim milk to be disposed of by dumping. Both producers and handlers favored the adoption of the proposal to handle dumped skim milk as Class II milk. It is recognized that a handler will use reasonable precautions with respect to dumping milk inasmuch as such disposition does not afford him any return while remaining responsible for settlement for such milk at the Class II price. Provision should be made however, for handlers to notify the market administrator in order to afford him an opportunity to verify such proposed dumping and the volumes of such disposition.

e. The procedure employed in classifying and allocating skim milk and butterfat in inventory should be modified and

specific provision should be made for the reclassification of skim milk and butterfat in inventory, which is initially classified as Class II milk and later used as Class I milk.

The inventory account should include all bulk milk, skim milk and fluid cream, and items specifically mentioned as Class I milk on hand at the beginning or end of each month. Class I products are classified on the basis of the form in which disposition is made. It is necessary therefore to account for bulk milk and such Class I products which are on hand and not disposed of at the end of a delivery period. Class II products are accounted for primarily on the basis of the milk used to produce specified products. It is therefore unnecessary to include Class II products on hand at the end of the month in the handler's monthly report of receipts and utilization. The handler will be required to keep stock records on holdings of such products to facilitate the auditing of current receipts and utilization. Products manufactured from stocks on hand and used by the handler should be considered as a receipt of other source milk in the month of such usage.

At present, plus or minus variations in inventory between the beginning and end of the month are classified as Class II milk. The classification of inventory variations in Class II milk will result in negative Class II utilization figures in any month that a handler's decrease in inventory exceeds other Class II utilization. Such negative figures are confusing and under such conditions result in a complicated problem of determining whether or not reclassification charges should apply to the inventory milk disposed of as Class I milk.

The allocation provisions of the order are based on the principle that producer milk is to be given priority over current receipts of other source milk for use in Class I milk. The classification of inventory variations in Class II milk does not follow this principle. Producer milk in beginning inventory is, in effect, assigned to Class II usage prior to current receipts of other source milk. For these reasons the monthly accounting procedure for the classification of inventory should be modified and specifically set forth in the order.

Closing inventory should be classified as Class II milk. Opening inventory should be treated as a receipt. Provision should be made so as to give the handler credit for beginning inventory by subtracting such inventories from his current utilization in series beginning with Class II milk after first subtracting receipts of other source milk and allowable producer shrinkage. Any inventory allocated to Class I milk represents a current use in Class I for milk which was classified temporarily as Class II in the previous month. Such inventory milk should be subject to a reclassification charge if it was derived from producer milk. This may be determined by the amount of producer milk classified in Class II milk in the previous month. Thus the quantity of inventory milk which is allocated to Class I milk in the current month and on which a reclassification charge is to be made should be

limited to the amount of producer milk classified as Class II milk the previous month. This procedure conforms to the principles of assigning fluid milk from producers to the highest priced available utilizations and eliminates the possibility of reclassification charge on inventory derived from other source milk.

Provision should be made in the order for establishing the rates for reclassification charges on inventory milk used in Class I. This rate should be the difference between the Class I price and the Class II price in the month of utilization. In this manner handlers are required to pay, and producers receive, the same differential over the current months' Class II price for producer milk derived from inventory, as current receipts of producer milk.

4. *Payments to producers—*a. *Extension of base operating period.* Producers should be paid for base milk during the months of February through July. At present, a producer's base is formed during the months of September, October, November and December, while producers are paid under the base and excess plan, during April through June. Dairy farmers who are regularly associated with the market, as determined by their delivery of milk to handlers during the short period of production, receive the necessary incentive to produce milk during the short production season through the operation of the base and excess plan. To such regular producers, this serves as a means of getting a high utilization price during the flush production season. The returns to producers during the flush season is commensurate therefore with their deliveries during the short season. The record shows that both handlers and producers are in favor of extending the base operating period since the months of April, May and June appears to be too short a period to provide sufficient incentive to the producers to furnish the milk required during the short production season. Since new producers may form a full base with deliveries for ninety days of the base-forming period, the months of August and September will provide a sufficient period of time for new producers to enter the market following operating period before deliveries are required in order to establish a full base.

b. *Partial payments.* A partial payment with respect to milk received from a producer during the first 15 days of each month should not be required if the producer has discontinued delivery to the handler, and the minimum rate of such payment should be specified as the Class II price of the preceding month for 4 percent milk, without adjustment for butterfat test or deduction for hauling. Such partial payments are merely advances deductible from the payment computed for deliveries for the entire month. The provisions stated above will avoid any possibility that the required advance may exceed the final settlement and provide for simplicity of computing the minimum advance. The record indicates the desirability of specific mention that authorized deductions

(such as for hauling) may be made from the final payments.

5. *Definition of producer and producer-handler.* A proposal that producers whose milk was to be priced and pooled deliver all of their production to an approved plant and file sworn statements that they do not and will not engage in Class I sales was abandoned by its proponents because of administrative difficulties. A comparison proposal to redefine producer-handler would appear to involve administrative difficulties in identifying the persons as defined, inasmuch as neither health department approval nor Class I sales in the marketing area would be a prerequisite to producer-handler status. Reports from former distributors with no connection with the marketing area would also be required under such a definition. No change in the definition of producers or producer-handlers should be adopted on the basis of this record.

6. The order requirement for the announcements of the Class I price on the 10th day of the month should be changed to 12th day of the month.

Handlers reports of receipts and utilization for the preceding month, which are used in the supply-demand adjustment of the Class I price for the current month, are required to be forwarded by handlers not later than the 7th day of the month. With the intervention of a week end or holiday, the market administrator has insufficient time to summarize handlers reports to determine the supply-demand adjustment for the announcement of the Class I price by the 10th day of the month. The proposed revision will not preclude the market administrator from announcing the Class I price at the earliest possible date as has been his practice in the past. No objection was raised to the proposed change.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of the Central Oklahoma Milk Producers

Association and handlers subject to the order.

The briefs contained proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

*Recommended marketing agreement and order.* The following order, amending the order, as amended, is recommended as the detailed and appropriate means whereby the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as hereby proposed to be amended.

1. In § 905.22 (j) (1) delete "10th" and substitute therefor "12th".

2. In § 905.41 (a) delete the words "aerated products containing milk or cream".

3. In § 905.41 delete paragraph (b) and substitute therefor the following:

(b) Class II milk shall be all skim milk and butterfat, (1) used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in frozen cream placed in storage; (4) in skim milk dumped, after prior notification to and opportunity for verification by the market administrator; (5) in shrinkage up to 2 percent of receipts from producers; (6) in shrinkage of other source milk; and (7) in inventory at the end of the month in the forms specified in paragraph (a) (1) and (2) of this section.

4. Delete § 905.43 (b) and substitute therefor the following:

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II milk in the previous month pursuant to § 905.41 (b) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 905.46 (a) (4).

5. Delete paragraphs (d), (e), and (f) of § 905.44 and substitute therefor the following:

(d) As Class I milk if transferred in the form of cream to an unapproved plant, unless the handler (1) claims classification as Class II milk, (2) establishes that such cream was transferred without Grade A certification, and (3) labels or tags each container "for manufacturing use only" and so invoices the shipment.

(e) As Class I milk if transferred or diverted in the form of bulk milk or bulk skim milk to an unapproved plant located not more than 200 miles from the approved plant unless the following conditions are met:

(1) The handler claims classification as Class II milk;

(2) The operator of the unapproved plant maintains books and records, showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification;

(3) If the above conditions are met, the classification reported by the handler shall be subject to verification by the market administrator as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant and,

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting, in series beginning with Class I milk, the skim milk and butterfat in milk received at the unapproved plant from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant.

(iii) If the unapproved plant makes bulk shipments of milk or cream and the skim milk and butterfat transferred to such plant exceeds the amounts remaining in the transferee plant after subtracting receipts from dairy farmers pursuant to subdivision (ii) of this subparagraph, the excess shall be classified according to its utilization determined at the second unapproved plant pursuant to subdivision (ii) of this subparagraph.

6. In § 905.46 (a) insert as subparagraph (4) the following and renumber subparagraphs "(4)" "(5)" and "(6)" as "(5)" "(6)" and "(7)" respectively:

(4) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II, the pounds of skim milk in inventory specified in § 905.41 (b). (7) at the beginning of the month;

7. In § 905.51 (a) (2) change the tabulated schedule of standard utilization percentages to read as follows:

| Month for which price applies | Months used in computation | Standard utilization percentage |
|-------------------------------|----------------------------|---------------------------------|
| January.....                  | November-December.....     | 113                             |
| February.....                 | December-January.....      | 117                             |
| March.....                    | January-February.....      | 121                             |
| April.....                    | February-March.....        | 123                             |
| May.....                      | March-April.....           | 127                             |
| June.....                     | April-May.....             | 130                             |
| July.....                     | May-June.....              | 135                             |
| August.....                   | June-July.....             | 134                             |
| September.....                | July-August.....           | 130                             |
| October.....                  | August-September.....      | 119                             |
| November.....                 | September-October.....     | 111                             |
| December.....                 | October-November.....      | 110                             |

8. Delete § 905.70 and substitute therefor the following:

§ 905.70 *Computation of value of milk.* The value of milk received during each month from each handler from producers shall be a sum of money com-

puted by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class by the applicable class prices; and

(c) Add a reclassification charge computed at a rate equal to the difference between the Class I and Class II prices for the current month for skim milk and butterfat in inventory which is subtracted from Class I pursuant to § 905.46 (a) (4) and the corresponding step of § 905.46 (b) which is not in excess of the skim milk and butterfat, respectively, remaining in Class II milk in the previous month pursuant to § 905.46 (a) (4).

9. In § 905.65 delete "April through June" where such words first appear in such sections and substitute therefor "February through July", and also delete the proviso appearing in paragraph (a) of such section.

10. In § 905.72 delete "April through June" and substitute therefor "February through July".

11. In § 905.66 (b) delete "April through June" and substitute therefor "February through July".

12. Delete § 905.80 and substitute therefor the following:

§ 905.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 905.71 or § 905.72, adjusted by the butterfat differential computed pursuant to § 905.81, less the amount of the payment made pursuant to paragraph (b) of this section and deductions authorized by the producer.

(b) On or before the last day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section and (2) who has not discontinued delivery of milk to such handler, an advance payment with respect to milk received from such producer during the first 15 days of such month computed at the Class II price for 4 percent milk for the preceding month, without deduction for hauling;

(c) On or before the 13th and 27th days of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section, to a cooperative association, which so requests, with respect to producers for whose milk such cooperative associations is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers.

Filed at Washington, D. C., this 22d day of January 1954.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator.

[F. R. Doc. 54-575; Filed, Jan. 27, 1954; 8:50 a. m.]

# [ 7 CFR Part 925 ]

[Docket No. A 225-A3]

## MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

### DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Seattle, Washington, on August 10-11, 1953.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on December 3, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on December 9, 1953 (18 F. R. 8090). Following the issuance of the recommended decision proponents of proposals 3 and 8 as set forth in the notice of hearing issued July 23, 1953, requested that a final decision be withheld on these proposals pending a re-opening of the public hearing for the reconsideration of such proposals and any closely related matters in relation to recent developments in economic and marketing conditions on which additional evidence would be offered. In light of this request a final decision on such issues is withheld at this time. Accordingly, the following findings and conclusions contained in the recommended decision are not included as a part of this decision:

(a) The second, third and fourth paragraphs beginning in column 2 and all paragraphs beginning in column 3, 18 F. R. 8093 (F. R. Doc. 53-10265), in their entirety;

(b) The first 23 lines in column 1, 18 F. R. 8094 (F. R. Doc. 53-10265), and the entire first paragraph beginning in such column;

(c) The words "provisions relating to the diversion of producer milk to non-pool plants should be modified; the" contained in the third paragraph beginning in column 1, 18 F. R. 8095 (F. R. Doc. 53-10265); also the fourth and fifth paragraphs beginning in column 1 and the first paragraph beginning in column 2, 18 F. R. 8095 (F. R. Doc. 53-10265) in their entirety.

Except as referred to in the preceding paragraph, the material issues and the findings and conclusions of the recommended decision (F. R. Doc. 53-10265, 18 F. R. 8090) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following revisions made in consideration of the exceptions filed and certain changes for clarification:

1. Delete the third paragraph beginning in column 3, 18 F. R. 8090 (F. R. Doc. 53-10265) and substitute therefor the following:

(1) The provisions relating to producer bases should be revised as to the number of months during the year bases are applied in distributing to producers the proceeds from the sale of milk and to modify the conditions for the transfer of base between producers.

2. Delete the last paragraph beginning in column 2, 18 F. R. 8091 (F. R. Doc. 53-10265) in its entirety and substitute therefor the following:

In establishing percentages for determining the bases of new producers under a 12-month plan, particular consideration has been given to seasonal levels of deliveries for the market as a whole. The seasonal levels of production in relation to the need for Class I milk indicates that the percentages of new producer deliveries to be priced as base milk should be relatively higher in the fall and winter months to encourage the delivery of milk by new producers in such months and to minimize the incentive to enter the market during months when supplies are seasonally large. On the other hand such percentages should not be set at levels which would result in a price advantage for new producers over established producers. The latter condition would not be in keeping with the basic concepts of this method of distributing producer returns and inevitably would induce established producers with bases earned in the regular manner to abandon them and seek the more favorable opportunity afforded by the new producer base. The widespread relinquishment of earned bases would disrupt the effectiveness of the plan. The following percentages of deliveries for the additional months the plan will be in effect should provide a situation in which returns to established producers are not unduly reduced by the entry of new producers in the fall months and yet in which no serious deterrent to market expansion through the addition of new producers is introduced: August, 65; September and October, 75; November and December, 80; and January, 75. The present record indicates that the percentages currently established by the order with respect to new producer deliveries for the months of February through July have operated satisfactorily and do not require revision. The above-stated percentages will establish for the added months a relationship of new producer returns to those of regular producers similar to that currently provided by the order for February through July. In view of the foregoing it is concluded that the base and excess plan of payment should be made effective for all months of the year.

3. Delete the second and third paragraphs beginning in column 3, 18 F. R. 8091 (F. R. Doc. 53-10265) in their entirety and substitute therefor the following:

The ability of the producer, as a farm manager, to produce even supplies of

milk should be the most significant underlying consideration to the establishment of base. However, the transfer of base should be allowed where the producer transfers his farm and herd as a going operation to another producer who continues the production of milk on the same farm. There is little likelihood that the curve of production established for the farm will alter or become greatly more seasonal in the short run, and if the production pattern prevailing at the time of transfer is not maintained the transferee producer's base will be adjusted automatically to his own performance within a period not exceeding twelve months. In the meantime the herd should produce generally in accordance with the pattern resulting from the manner in which the transferor bred his animals. This revision in the base transfer rules will assist a transferor producer to realize full value from the effort and management expended in achieving a desirable production pattern without significantly affecting the returns of other producers.

4. Add the following immediately following the last paragraph beginning in column 3, 18 F. R. 8096 (F. R. Doc. 53-10265):

It is contended in the exceptions filed that the provision adopted differs from that proposed by the Secretary at the time of the hearing, and that if the original proposal is not the correct solution then no action should be taken until the provision recommended can be submitted for further hearing when interested parties will have an opportunity to address their testimony directly to it. The original proposal was based upon an interpretation of the order which had been put into effect by the market administrator. It is clear in the record that the market administrator desired advice as to a proper method of accounting for the volume of milk to be priced as fortified skim milk or skim milk drinks as the result of the addition of nonfat dry milk solids. The testimony discloses that the interpretation applied does not result in the uniform pricing of milk based on its use, as required by the statute. In order to meet the standards of classification and pricing required by the act, the provision herein adopted is considered necessary.

As a corollary change for the purpose of implementing the accounting for such products, a revision of language in the definition of other source milk has been made.

**Rulings on exceptions.** Exceptions relating to the findings, conclusions and amendment action recommended by the Assistant Administrator were filed by the Arden Farms Co. and ten cooperative associations of producers jointly through the United Dairymen's Association. In arriving at the findings, conclusions and amendment action decided in this decision, each of these exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. Some revisions of the recommended decision have resulted therefrom. To the extent that the find-

ings, conclusions, and amendment action decided upon herein are at variance with the exceptions, such exceptions are overruled.

**General findings.** (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

**Determination of representative period.** The month of October 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively, "marketing agreement regulating the handling of milk in the Puget Sound, Washington, marketing area," and "order amending the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of §900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

**It is hereby ordered.** That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, as amended, which will be published with this decision.

This decision filed at Washington, D. C., this 22d day of January 1954.

Dated: January 22, 1954.

[SEAL] JOHN H. DAVIS,  
Assistant Secretary of Agriculture.

**Order<sup>1</sup> Amending the Order, as Amended, Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area**

**§ 925.0 Findings and determinations.** The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held.

**Order relative to handling.** It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the following terms and conditions:

1. Delete § 925.14 and substitute therefor the following:

**§ 925.14 Other source milk.** "Other source milk" means (a) all skim milk

and butterfat received from a producer-handler (or the plant of a producer-handler) in any form (including bottled products), and (b) all other skim milk and butterfat other than in (1) producer milk, and (2) milk and milk products in any of the forms specified in § 925.41 (a) (1) received from fluid milk plants and country plants.

2. Delete § 925.18 and substitute therefor the following:

**§ 925.18 Base milk.** "Base milk" means milk delivered by a producer during the month which is not in excess of (a) his daily base computed pursuant to § 925.60 (a) multiplied by the number of days of delivery in such month, or (b) his base computed pursuant to § 925.60 (b); *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant, the days of non-delivery shall be considered as days of delivery for the purposes of this section and of § 925.60 (a).

3. Delete the language of § 925.30 preceding paragraph (a) of such section and substitute therefor the following:

**§ 925.30 Monthly reports of receipts and utilization.** On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15 (a), except a producer-handler, shall submit to the market administrator a separate report for each of such handler's fluid milk plants, country plants, and plants where milk or milk products subject to payments required under § 925.70 (b) were handled, and each cooperative association which is a handler pursuant to § 925.15 (b) shall submit to the market administrator a report with respect to milk diverted on its account, containing the following information for the preceding month.

3a. Add the following as § 925.44 (a) (5):

(5) Notwithstanding the prior provisions of this paragraph any such skim milk and butterfat caused to be moved in bulk by a handler during any month from any fluid milk plant or country plant either by transfer or without being received therein to a fluid milk plant in which facilities are maintained and used during the same month to receive milk or milk products required by applicable health authority regulations to be kept physically separate from milk qualified as described in § 925.12 shall be deemed to have been transferred by such handler to a country plant and shall be classified in accordance with the provisions of paragraph (b) of this section.

4. Delete § 925.44 (a) (4) and substitute therefor the following:

(4) If at a fluid milk plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1 or in the counties of Kitsap or Mason are assigned to Class II milk, they shall be allocated to the uses stated in § 925.54 (a) insofar as such uses are available at the transferee plant

after allocating to such uses the other source milk at such plant; and

4a. Delete § 925.44 (b) (1) and substitute therefor the following:

(1) The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction pursuant to § 925.45 (b) (2) of other source milk at such plant and after the subtraction of producer shrinkage classified as Class II milk pursuant to § 925.41 (b) (4), and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk;

5. Delete § 925.44 (b) (4) and substitute therefor the following:

(4) If at a country plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1 or in the counties of Kitsap and Mason are assigned to Class II milk, they shall be allocated to the uses stated in § 925.54 (a) insofar as such uses are available at the transferee plant after allocating to such uses the other source milk at such plant; and

5a. Add the following as § 925.44 (b) (5):

(5) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat caused to be moved in bulk by a handler during any month from any fluid milk plant or country plant without being received therein to a country plant in which facilities are maintained and used during the same month to receive milk or milk products required by applicable health authority regulations to be kept physically separate from milk qualified as described in § 925.12 shall be deemed to have been transferred by such handler to a country plant and shall be classified in accordance with the provisions of this paragraph.

5b. Delete § 925.44 (c) (2) and substitute therefor the following:

(2) As Class II milk if the transfer is to a nonpool plant located in the marketing area or within any of the counties of Clallam, Jefferson, Grays Harbor, Island, Kitsap and Mason, in the State of Washington, which is not engaged in the distribution of milk for consumption in fluid form: *Provided*, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 925.41 (a) (1) to any other nonpool plant distributing milk in fluid form which is not located in the marketing area, such disposition up to the quantity of producer milk transferred to the first nonpool plant shall be classified as Class I milk: *Provided further*, That if the preceding proviso does not apply the transferred quantity shall be allocated to uses other than those covered by § 925.54 (a) (1) to the extent that such other Class II milk uses are available at such nonpool plant: *And provided also*, That if the market administrator is not permitted to audit the records of such nonpool plant for the purpose of use verification, the entire transfer shall be classified as Class I milk.

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

6. Delete § 925.45 (a) and substitute therefor the following:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: *Provided*, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from skim milk, are utilized by such handler either (1) to fortify (or as an additive to) fluid milk, flavored milk, skim milk or any other milk product, or (2) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

7. Delete in § 925.52 (a) the figure "1.25" and substitute therefor the figure "1.2."

8. Delete § 925.54 (a) and substitute therefor the following:

(a) Compute the sum (in pounds) of:  
(1) The total utilization at such plant (including any disposition of skim milk and butterfat from such plant for similar uses at nonpool plants) of skim milk and butterfat, respectively, in evaporated milk in hermetically sealed cans, butter, nonfat dry milk solids, powdered whole milk, all cheeses except "baker's," "pot," cottage (including that creamed), cream and neufchatel, and shrinkage allowable as Class II milk pursuant to § 925.41 (b) (4) and (5), and (2) the total quantity of skim milk and butterfat transferred to other fluid milk plants and country plants located in District No. 1 or in the counties of Kitsap and Mason and allocated to the uses specified in subparagraph (1) of this paragraph (as provided in § 925.44 (a) (4) and (b) (4));

9. Delete § 925.60 (a) and (b) and substitute therefor the following:

(a) The daily base of each producer whose milk was received by a handler(s) on not less than one hundred twenty (120) days during the months of August through December, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered in such five-month period by the number of days from the date of his first delivery to the end of such five-month period. The base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have, beginning with February 1954, a monthly base computed by multiplying his deliveries to a handler(s) during the month by the appropriate monthly percentage in the following table:

|          |    |           |    |
|----------|----|-----------|----|
| January  | 75 | July      | 55 |
| February | 70 | August    | 65 |
| March    | 65 | September | 75 |
| April    | 55 | October   | 75 |
| May      | 45 | November  | 80 |
| June     | 50 | December  | 80 |

10. Delete § 925.61 and substitute therefor the following:

§ 925.61 *Base rules.* The following rules shall be observed in determination of bases:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but under the following circumstances only: If a producer sells, leases, or otherwise conveys his herd to another producer, the latter may receive the transferor's base, unless earned under § 925.60 (b), pursuant to the conveyance and utilize such base until February 1 next following the date of conveyance, subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee producer from the same farm only;

(2) If such conveyance takes place subsequent to August 1 of any year, all milk delivered to a handler(s) between August 1 and December 31, inclusive, from the same farm (whether by the transferor or transferee producer) shall be utilized, pursuant to § 925.60 (a), in computing the base of the transferee producer to become effective the next February 1; and

(3) It is established to the satisfaction of the market administrator that the conveyance of the herd was bona-fide and not for the purpose of evading any provision of this subpart.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a) to begin the next February 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 925.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the next February 1 such producer's base shall be computed in the manner provided by § 925.60 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 925.12 may establish or earn a base pursuant to the provisions of § 925.60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and

equipment used are jointly owned or operated.

11. Delete that portion of § 925.70 (a) prior to subparagraph (1) of such paragraph and substitute therefor the following:

(a) Except as provided in paragraph (b) of this section, the total value of milk received during any month at each plant by each handler, including a cooperative association, shall be a sum of money computed by the market administrator as follows:

12. Delete § 925.70 (a) (6) and (b) and substitute therefor the following:

(6) Add, with respect to other source milk (including overage allocated to other source milk) received at each fluid milk plant and country plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District No. 1, or in the counties of Kitsap or Mason, such difference shall be reduced as follows: 50 cents at any such plant located in Clallam County or Jefferson County; and 40 cents at any other plant not located in District No. 1 or in the counties of Kitsap or Mason.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was only within Districts Nos. 2 or 3, such difference shall be reduced by 40 cents per hundredweight.

13. Delete § 925.80 (b) and substitute therefor the following:

(b) On or before the 17th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price taking into account any location adjustment, as provided by §§ 925.53 and 925.54, applicable at the plant at which payment for such skim milk and butterfat is required under the provisions of § 925.70.

14. Delete § 925.81 (b) and substitute therefor the following:

(b) 25 cents per hundredweight shall be added to the uniform price for excess milk received from producers at plants located in District No. 1 or in the counties of Kitsap and Mason.

15. Delete § 925.87 (a) and substitute therefor the following:

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

[F. R. Doc. 54-577; Filed, Jan. 27, 1954; 8:50 a. m.]

#### [ 7 CFR Part 925 ]

##### MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

##### ORDER OF SECRETARY DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS SUPPLYING MILK AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area) who, during the month of October 1953 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.<sup>1</sup>

<sup>1</sup> See F. R. Doc. 54-577 *supra*.

Nicholas L. Keyock is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 22d day of January 1954.

[SEAL] JOHN H. DAVIS,  
Assistant Secretary of Agriculture.

[F. R. Doc. 54-576; Filed, Jan. 27, 1954; 8:50 a. m.]

#### [ 7 CFR Part 962 ]

[Docket No. AO 162-A4]

##### HANDLING OF FRESH PEACHES GROWN IN GEORGIA

##### NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR Part 962; 18 F. R. 3013), hereinafter referred to as "marketing agreement" and "order," respectively, regulating the handling of fresh peaches grown in the State of Georgia, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., not later than the close of business on the tenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The public hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Production and Marketing Administration as a result of proposals received from the Industry Committee, hereinafter referred to as the "committee," established pursuant to the marketing agreement and order as the agency to administer the terms and provisions thereof. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that a public hearing would be held in Macon, Georgia, beginning on December 17, 1953, to consider the proposed amendments was published in the FEDERAL REGISTER (18 F. R. 7895) on December 8, 1953.

*Material issue.* The material issue presented on the record of the hearing was concerned with amending the marketing agreement and order to:

(1) Provide that no assessments shall be levied against peaches which are exempt from inspection.

*Findings and conclusions.* The findings and conclusions on the material issue are based upon the evidence adduced at the hearing and the record thereof and are as follows:

(1) The marketing agreement and order should be amended to provide that no assessments shall be levied against peaches which are exempt from inspection.

The marketing agreement and order were amended, effective May 26, 1953, to authorize the committee to recommend, and the Secretary to prescribe, that the inspection requirements of the marketing agreement and order shall be not applicable to any peaches in bulk shipped to the adjacent markets (the States of Florida, Alabama, Tennessee, North Carolina, South Carolina, Mississippi, and that portion of Louisiana which is east of the Mississippi River). This provision authorized the exemption of such shipments from only the inspection requirements, but such shipments were required to comply in all other respects with the provisions of the program. Inspection was not required on peaches shipped in bulk to adjacent markets under this provision during the 1953 season, and shipments to the adjacent markets during 1953 reported to the committee constituted only a small percentage (4 percent) of the total shipments of fresh peaches from the State of Georgia. Total shipments to adjacent markets during the 1951 and 1952 seasons were also rather small in relation to other out-of-State shipments, totaling 13 percent and 11 percent, respectively, of the total out-of-State shipments.

Assessments to defray the cost of administering and operating the marketing agreement and order have been collected from shippers of fresh peaches by the Federal-State Inspection Service under a cooperative agreement between such service and the committee since the inception of the marketing agreement program. Experience has shown that, inasmuch as inspectors of this service are present in the packinghouses of shippers in order to inspect peaches, and since this service collects a fee for the inspection performed, marketing agreement program assessments can be collected by such inspectors at considerable savings over the costs which would be involved in collecting these assessments if the collections were made by the committee. Bulk shipments to adjacent markets may originate either at a packinghouse of a shipper or at an orchard, whereas packed peaches originate only at packinghouses. Since inspection is not now required on peaches shipped in bulk to the adjacent markets under the circumstances stated above, inspectors would not be required at the packinghouses and orchards of shippers who ship only bulk peaches to adjacent markets if assessments on such peaches were not required under the marketing agreement and order. The collection of as-

assessments on such peaches could be accomplished under the present provisions of the program by either (1) an increase in inspection personnel for the specific purpose of collecting such assessments, or (2) an increase in personnel employed by the committee. Reports indicate that the equivalent of 182 carloads of fresh peaches were shipped in bulk to adjacent markets during 1953. At the assessment rate in effect during the 1953 season, revenue from such shipments amounted to only \$704.34. During the 1953 season the Inspection Service maintained a larger force than would have been necessary for inspection purposes, for the purpose of collecting assessments on bulk shipments to adjacent markets, and the expenses incurred were greater than the sum collected. The expenses of collecting assessments on such peaches in future years, unless such adjacent market peaches were required to be inspected, would be in excess of the sum collected regardless of whether collection was accomplished by personnel of the Inspection Service or by employees of the committee. During those periods, if any, when inspection is required on bulk shipments of fresh peaches to adjacent markets, however, shippers should be required to pay assessments on such peaches, because under such circumstances the sum of the assessments so collected would exceed the expenses incurred in such collection.

**Rulings on findings and conclusions.** The period ending January 4, 1954, was fixed for the filing of briefs, proposed findings, or conclusions. No such documents were filed within the prescribed time.

**General findings.** (1) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, regulate the handling of peaches grown in the State of Georgia in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act; and

(4) The marketing agreement as hereby proposed to be amended, and the

order as hereby proposed to be amended prescribe such different terms applicable to different marketing areas, as are necessary to give due recognition to such differences in the marketing of such peaches.

Effective November 15, 1953, the parity price for fresh peaches grown in the production area was \$2.80 per bushel on the tree. On the basis of information now available, the seasonal average farm price for the 1954 crop of peaches grown in the production area will not exceed the parity price level for the 1954 season.

**Recommended amendment to the marketing agreement and order.** The following amendment to the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Delete the proviso in the first sentence of § 962.41 and insert in lieu thereof the following: "Provided, That no assessment shall be levied against peaches that are exempt from regulation pursuant to § 962.71 or against peaches that are exempt from inspection pursuant to § 962.64."

Filed at Washington, D. C., this 22d day of January 1954.

[SEAL]

F. R. BURKE,

Acting Deputy Administrator.

[F. R. Doc. 54-578; Filed, Jan. 27, 1954; 8:51 a. m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

##### NEBRASKA NATIONAL FOREST

#### NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial No. 59154, for the withdrawal from all forms of appropriation under the public land laws, except of the lands described below was filed on November 10, 1952, by the U. S. Forest Service.

The purposes of the proposed withdrawal: Land to be added to and made a part of the Nebraska National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region III, Bureau of Land Management, Department of the Interior at Billings, Montana. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the applica-

tion is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 22 N., R. 26 W., 6th P. M., Nebraska. Beginning at a point on the west boundary of Sec. 2 from which the south sixteenth section corner between Secs. 2 and 3 bears S. 0° 28' E., 0.75 chains; thence N. 0° 28' W. along section line approximately 19.70 chains to the south boundary of 100 foot right of way to C. B. and Q. R. R.; thence southeasterly along south boundary of said right of way to a point on meridional center section line of Sec. 2; thence S. 0° 21' E., 10.30 chains, along said center section line to south center sixteenth section corner; thence S. 89° 46' W., 23.34 chains, approximately along south latitudinal sixteenth section line; thence N. 81° 48' W., 13.86 chains; thence S. 66° 56' W., 3.29 chains to point of beginning.

The area described aggregates approximately 54.4 acres.

M. B. WALLACE,

Regional Administrator.

[F. R. Doc. 54-587; Filed, Jan. 27, 1954; 8:53 a. m.]

#### ALASKA

#### FILING OF PLAT OF SURVEY CANCELED

JANUARY 15, 1954.

Notice is given that the plat or original survey of the following described lands

published in the FEDERAL REGISTER December 17, 1953, on page 8462 which was amended and published in the FEDERAL REGISTER December 29, 1953, on page 8811 is hereby canceled on advice from the Division of Engineering, Bureau of Land Management, to the effect that a new plat has been authorized.

The land affected lies in T. 18 N., R. 13 E., C. R. M. Sections 18, 19 and 20.

ALFRED P. STEGER,  
Manager.

[F. R. Doc. 54-557; Filed, Jan. 27, 1954; 8:47 a. m.]

#### ALASKA

#### SHORESPACE RESTORATION ORDER NO. 595

JANUARY 22, 1954.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 91-day preference right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43

U. S. C. 279-284), as amended, the 80-rod shoreline reserved created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order.

#### ANCHORAGE LAND DISTRICT

A tract of land situated on Lake Nancy, Alaska, more particularly described as follows:

Beginning at the section corner common to Sections 33 and 34, T. 19 N., R. 4 W., and Section 3, T. 18 N., R. 4 W., Seward Meridian; thence, south 11.55 chains; thence, northwesterly along the shore 13.00 chains; thence, east 5.57 chains to the point of beginning, containing approximately 4.5 acres (Petition for Shorespace Restoration of Kenneth V. Preston, Anchorage 016865).

A tract of land situated on Seldovia Bay, Alaska, identified as Lot 3, Section 6, T. 9 S., R. 14 W., Seward Meridian, containing approximately 15.29 acres (Homesite Application of Orland P. Rees, Anchorage 017576).

A tract of land situated on Naknek River, Alaska, more particularly described as follows:

Beginning at corner No. 3, U. S. Survey 2870; thence, N 16° 50' W 400 feet; thence, easterly 500 feet; thence, southerly 400 feet; thence, westerly along the right limit of Naknek River 500 feet to the point of beginning (Homesite Application of Alex Alvarez, Anchorage 018268).

A tract of land situated on Iliamna Lake, Alaska, identified U. S. Survey 3195, containing approximately 4.91 acres (Homesite Application of Charles St. Cyr, Anchorage 018468).

A tract of land situated on Naknek River, Alaska, more particularly described as follows:

Beginning at corner No. 4, U. S. Survey 544; thence, easterly along the right limit of the Naknek River 4.33 chains; thence N 16° 50' W 5.10 chains; thence, westerly along Red Salmon Company Road 4.40 chains; thence, S 16° 45' E 4.85 chains along line 3-4 of U. S. Survey 544 to the point of beginning, containing approximately 2.0 acres (Trade and Manufacturing Application of John W. Maggitt, Anchorage 018911).

A tract of land situated on Orca Inlet, Alaska, identified as Lot 4, U. S. Survey 2764, containing approximately 0.70 acres (Homesite Application of Max Wolf, Anchorage 019943).

A tract of land situated on Fritz Cove, Alaska, identified as Lot 2, proposed U. S. Survey 3281, containing approximately 0.15 acres (Homesite Application of J. W. Monagle, Anchorage 021789).

A tract of land situated on Auke Bay, Alaska, identified as Lot A, U. S. Survey 2389, containing approximately 4.72 acres (Homesite Application of Lyle A. Bowman, Anchorage 023178).

A tract of land situated on Lisianski Inlet, Alaska, identified as Lot 25, U. S. Survey 2913, containing approximately 4.76 acres (Homesite Application of John W. Breseman, Anchorage 024295).

A tract of land situated on Point Baker Anchorage, Alaska, identified as Lot 40, U. S. Survey 2829, containing approximately 1.73 acres (Homesite Application of Monk D. Lewis, Anchorage 024491).

A tract of land situated on Turnagain Arm, Alaska, identified as Lot 8, U. S. Survey 2757, containing approximately 4.48 acres (Homesite Application of George L. Adney, Anchorage 024492).

A tract of land situated on Point Baker Anchorage, Alaska, identified as Lot 22, U. S. Survey 2828, containing approximately 0.97 acres (Homesite Application of Eloy Hanning, Anchorage 024493).

A tract of land situated on Point Baker, Anchorage, Alaska, identified as Lot 38, U. S. Survey 2829, containing approximately 0.93 acres (Homesite Application of Herbert Zeiske, Anchorage 024505).

A tract of land situated on Kenai Lake, Alaska, identified as Lot G, U. S. Survey 2520, containing approximately 3.97 acres (Homesite Application of Russell W. Lamoreaux, Anchorage 024534).

A tract of land situated on Turnagain Arm, Alaska, identified as Lot 10, U. S. Survey 2757, containing approximately 4.48 acres (Homesite Application of James W. Carter, Anchorage 024579).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 41, U. S. Survey 2951, containing approximately 1.31 acres (Homesite Application of Arthur H. Alexander, Anchorage 024588).

A tract of land situated on Point Baker Anchorage, Alaska, identified as Lot 12, U. S. Survey 2827, containing approximately 1.26 acres (Homesite Application of Delman Kamp, Anchorage 024602).

A tract of land situated on Auke Lake, Alaska, identified as Lot K, U. S. Survey 2386, containing approximately 1.92 acres (Homesite Application of Rudy LaBrash, Anchorage 021624).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 6, proposed U. S. Survey 2946, containing approximately 0.27 acres (Homesite Application of Lucille F. Peterson, Anchorage 024854).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 16, proposed U. S. Survey 2947, containing approximately 0.73 acres (Homesite Application of Karl O. Strom, Anchorage 024882).

A tract of land situated on Kenai Lake, Alaska, identified as Lot 2, U. S. Survey 2523, containing approximately 1.87 acres (Homesite Application of John E. Coppock, Anchorage 025136).

A tract of land situated on Kenai Lake, Alaska, identified as Lot G, U. S. Survey 2529, containing approximately 4.55 acres (Homesite Application of James W. Dyer, Anchorage 025137).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 11, proposed U. S. Survey 2946, containing approximately 0.27 acres (Homesite Application of Roy B. Elliot, Anchorage 025163).

A tract of land situated on Turnagain Arm, Alaska, identified as Lot 2, U. S. Survey 2757, containing approximately 2.99 acres (Homesite Application of Lawrence Stainbrook, Anchorage 025164).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 13, proposed U. S. Survey 2946, containing approximately 0.22 acres (Homesite Application of Ernest O. Swanson, Anchorage 025175).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 20, proposed U. S. Survey 2947, containing approximately 0.78 acres (Homesite Application of Hazel Wimer, Anchorage 025179).

A tract of land situated on Kenai Lake, Alaska, identified as Lot C, U. S. Survey 2531, containing approximately 4.97 acres (Homesite Application of Roy M. Malutin, Anchorage 025258).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 30, proposed U. S. Survey 2946, containing approximately 0.98 acres (Homesite Application of Roy C. Clements, Anchorage 025285).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 9, proposed U. S. Survey 2946, containing approximately 1.00 acres (Headquarters Site Application of John M. Stear, Anchorage 025489).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 31, proposed U. S. Survey 2949, containing approximately 1.50 acres (Homesite Application of Iva H. Lingard, Anchorage 025510).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 55, U. S. Survey 2953, containing approximately 0.98 acres (Homesite Application of Karl Wollarth, Anchorage 025559).

A tract of land situated on Tongass Narrows, Alaska, identified as Lot 53, U. S. Survey 2402, containing approximately 1.33 acres (Homesite Application of Roland Fisher, Anchorage 025618).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 17, proposed U. S. Survey 2947, containing approximately 0.47 acre (Petition for Small Tract Classification of Hugh A. Tennison, Anchorage 025623).

A tract of land situated on Wrangell Narrows, Alaska, identified as Lot D, U. S. Survey 2461, containing approximately 4.88 acres (Homesite Application of Raymond Brady, Anchorage 025651).

A tract of land situated on Boswell Bay, Alaska, identified as Homesite 74, U. S. Survey 2679, containing approximately 4.64 acres (Homesite Application of W. W. Tschoeppl, Anchorage 025822).

A tract of land situated on Kenai Lake, Alaska, identified as Lot 1, U. S. Survey 2523, containing approximately 4.78 acres (Homesite Application of Harvey Ainsworth, Anchorage 026035).

FRED J. WEILER,  
Chief,  
Division of Land Planning.

[F. R. Doc. 54-559; Filed, Jan. 27, 1954;  
8:47 a. m.]

#### ALASKA

#### SHORESPACE RESTORATION ORDER NO. 507

JANUARY 22, 1954.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 91-day preference right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284), as amended, the 80-rod shoreline reserved created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order.

#### ANCHORAGE LAND DISTRICT

All vacant and unappropriated public lands abutting or lying within 80 rods of the shore of Tongass Narrows, Alaska, between Corner No. 1 and Corner No. 12, U. S. Survey 1761, containing approximately 1,140 acres.

All vacant and unappropriated public lands abutting or lying within 80 rods of the shore of Gastineau Channel, Alaska, between U. S. Land Monument No. 3 and Corner No. 7, U. S. Survey 1762, containing approximately 840 acres.

All lands abutting or lying within 80 rods of the south bank of Knik River, Alaska, in unsurveyed sections 5 and 6, T. 16 N., R. 3 E., Seward Meridian, containing approximately 450 acres.

SEWARD MERIDIAN

T. 26 N., R. 5 W.,  
Section 13; Lot 6.

Containing approximately 38.07 acres.  
A tract of land situated on Tongass Narrows, Alaska more particularly described as follows:

Beginning at Corner No. 1, U. S. Survey 3094; thence, southeasterly 20 chains along the shore of Tongass Narrows; thence, S 40° 58' W 20 chains; thence, northwesterly 20 chains; thence, N 40° 58' E 20 chains to the point of beginning, containing approximately 40 acres.

Proposed U. S. Survey 2946: Lots 2, 4, 7, 8, 10, 12, 13A, 14, and 15. Containing approximately 3.03 acres.

Proposed U. S. Survey 2947: Lots 18, 19, 21, 22, and 23. Containing approximately 3.83 acres.

Proposed U. S. Survey 2948: Lots 24-29, inclusive. Containing approximately 3.81 acres.

Proposed U. S. Survey 2949: Lots 32-36, inclusive. Containing approximately 3.13 acres.

Proposed U. S. Survey 2950: All. Containing approximately 2.65 acres.

Proposed U. S. Survey 2951: Lots 42, 42A, 43, 44, and 45A. Containing approximately 11.93 acres.

U. S. Survey 2952: Lots 45, 46, 47, 48, 49, 75, and 76. Containing approximately 8.18 acres.

U. S. Survey 2953: Lots 51, 52, 53, 54, 56, and 74. Containing approximately 6.04 acres.

U. S. Survey 2954: Lots 57, 58, 59, 59A, 60, 72, and 73. Containing approximately 9.28 acres.

U. S. Survey 2955: Lots 61, 62, 63, 64, and 71. Containing approximately 4.18 acres.

U. S. Survey 2956: Lots 65, 66, 67, 68, 68A, 69, and 69A. Containing approximately 6.00 acres.

U. S. Survey 3175: All. Containing approximately 2.50 acres.

U. S. Survey 2829: Lot 33. Containing approximately 1.05 acres.

U. S. Survey 2616: Lots 1, 4, 12, 14, and 15. Containing approximately 9.48 acres.

U. S. Survey 2613: Lots 29 and 36. Containing approximately 7.09 acres.

U. S. Survey 2612: Lot 22. Containing approximately 4.31 acres.

U. S. Survey 2327: Lot J. Containing approximately 0.61 acres.

U. S. Survey 2615: Lot 2. Containing approximately 1.90 acres.

U. S. Survey 2475: Lot L. Containing approximately 4.18 acres.

U. S. Survey 2450: Lot 1. Containing approximately 4.02 acres.

U. S. Survey 2451: Lot 6. Containing approximately 4.99 acres.

U. S. Survey 2452: Lot 15. Containing approximately 3.74 acres.

FRED J. WEILER,  
Chief,

Division of Land Planning.

[F. R. Doc. 54-558; Filed, Jan. 27, 1954;  
8:47 a. m.]

ARIZONA

SMALL TRACT CLASSIFICATION ORDER NO. 26

JANUARY 20, 1954.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, under section 2.21 of Order No. 427, approved by the Secretary of the Interior on August 16, 1950 (15 F. R. 5641), I hereby classify, under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59

Stat. 467; 43 U. S. C. 682a), as herein-after indicated, for lease and sale, the following described lands in the Arizona Land District, embracing approximately 701.02 acres:

GILA AND SALT RIVER MERIDIAN

T. 11 S., R. 6 W.,  
Sec. 34, lots 1 to 32, inclusive (W $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ).

T. 12 S., R. 6 W.,  
Sec. 3, lots 5 to 69, inclusive (W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ).

Sec. 10, lots 1 to 46, inclusive (NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ ).

(a) For home or business sites:

T. 11 S., R. 6 W.,  
Sec. 34, lots 2, 3, 7, 8, 10, 11, 15, 16, 18, 19, 23, 24, 26, 27, 31, 32.

T. 12 S., R. 6 W.,  
Sec. 3, lots 6, 7, 11, 12, 14, 15, 19, 20, 22, 23, 27, 28, 30, 31, 35, 36, 38, 39, 43, 44, 46, 47, 51, 52, 54, 55, 59, 60, 62, 63, 67, 68.

T. 12 S., R. 6 W.,  
Sec. 10, lots 2, 3, 7, 8, 11, 12, 16, 17.

(b) For home sites only:

E. 11 S., R. 6 W.,  
Sec. 34, lots 1, 4, 5, 6, 9, 12, 13, 14, 17, 20, 21, 22, 25, 28, 29, 30.

T. 12 S., R. 6 W.,  
Sec. 3, lots 5, 8, 9, 10, 13, 16, 17, 18, 21, 24, 25, 26, 29, 32, 33, 34, 37, 40, 41, 42, 45, 48, 49, 50, 53, 56, 57, 58, 61, 64, 65, 66, 69.

T. 12 S., R. 6 W.,  
Sec. 10, lots 1, 4, 5, 6, 9, 10, 13, 14, 15, 18 to 46, inclusive.

2. The lands in Sec. 34, T. 11 S., R. 6 W. described above were placed under consideration for small tract classification at 9:30 a. m. on September 29, 1952. The lands in Secs. 3 and 10, T. 12 S., R. 6 W. described above were placed under consideration for small tract classification at 10:30 a. m. on July 28, 1952.

3. The lands affected by this order are in Pima County, Arizona and adjoin the northern outskirts of the Ajo community, extending northward for a distance of approximately 2 $\frac{1}{2}$  miles on State Highway No. 85. The general topography of the area varies from flat to broken. Sec. 34, T. 11 S., R. 6 W. has a flat even surface. The same is true for Sec. 3, T. 12 S., R. 6 W. In Sec. 10, T. 12 S., R. 6 W. the surface is quite uneven and cut up by numerous washes. The soil is of a rocky to coarse gravel type with some small areas of fine sand. Vegetation is typical of the southwestern desert.

4. As to applications filed on lands described in Sec. 34, T. 11 S., R. 6 W. prior to 9:30 a. m. on September 29, 1952, and on lands in Secs. 3 and 10, T. 12 S., R. 6 W. prior to 10:30 a. m. on July 28, 1952, this order shall become effective upon the date it is signed, provided the applications are made to conform to the land descriptions and types of use specified in this order.

5. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) Ninety-one day period for preference-right filings. For a period of 91

days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to applications under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph after the lands were placed under consideration as stated in paragraph (2) above, and either at or before 10:00 a. m. on the 35th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 35th day. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) Date for non-preference-right filings. Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed after the lands were placed under consideration as stated in paragraph (2) above, and either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

6. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

7. Each of the lots described in this order will be leased as one tract. Lots 62, 63, 67 and 68 in Sec. 3, and lots 2, 3, 7, 8, 11, 12, 16 and 17 in Sec. 10, T. 12 S., R. 6 W. contain approximately 3 $\frac{1}{2}$  acres. All remaining lots contain approximately 5 acres.

8. Leases will be for a period of three years at annual rentals of \$5.00 for home sites or a minimum of \$20.00 for business sites, payable for the entire lease period in advance of the issuance of the lease. The lessee for a business site shall be obligated to pay any additional rental at the rate fixed by the schedule of rentals in effect at the date of the approval of the lease.

9. Leases will contain an option to purchase clause at appraised values as follows:

In Sec. 34, T. 11 S., R. 6 W., lots 2, 3, 7, 8, 10, 11, 15, 16, 18, 19, 23, 24, 26, 27, 31, and 32 are appraised at \$75.00 per lot; lots 1, 4, 5, 6, 9, 12, 13, 14, 17, 20, 21, 22, 25, 28, 29, and 30 are appraised at \$50.00 per lot.

In Sec. 3, T. 12 S., R. 6 W., lots 6, 7, 11, 12, 14, 15, 19, 20, 22, 23, 27, 28, 30, 31, 35, 36, 37, 40, 41, 42, 45, 48, 49, 50, 53, 56, 57, 58, 61, 64, 65, 66, and 69 are appraised at \$100.00 per lot; lots 38, 39, 43, 44, 46, 47, 51, 52, 54, 55, 59, 60, 62, 63, 67, and 68 are appraised at \$115.00 per lot; lots 5, 8, 9, 10, 13, 16, 17, 18, 21, 24, 25, 26, 29, 32, 33, and 34 are appraised at \$75.00 per lot.

In Sec. 10, T. 12 S., R. 6 W., lots 1, 4, 5, 6, 9, 10, 13, 14, 15, and 18 are appraised at \$115.00 per lot; lots 2, 3, 7, 8, 11, 12, 16, 17, and 19 to 24, inclusive, are appraised at \$125.00 per lot; lots 25 to 30, inclusive, and lots 33, 34, 35, 36, 41, 42, 43, and 44 are appraised at \$135.00 per lot; lots 31, 32, 37, 38, 39, 40, 45, and 46 are appraised at \$150.00 per lot.

(a) Applications to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease, provided minimum improvements shall have been constructed prior to the date of application to purchase. For home sites the minimum improvements shall consist of a habitable house of at least two rooms, containing a minimum floor area of 500 square feet, and adequate water and sanitary facilities. For business sites the minimum improvements shall be those improvements suitable for the purpose for which the tract is leased.

(b) Notwithstanding the minimum requirements set forth in (a) above, all improvements on the lands covered by this order must comply with the zoning regulations of the Pima County Planning and Zoning Commission and with the requirements of the Pima County Health Department with regard to building specifications, set-backs, and sanitation facilities.

(c) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as specified in (a) and (b) above shall have been constructed.

(d) Leases for lands upon which the improvements mentioned above have not been constructed prior to the expiration thereof shall not be renewed.

10. Tracts will be subject to all existing rights-of-way and to rights-of-way, thirty-three feet in width, for road purposes and public utilities, as follows:

In Sec. 34, T. 11 S., R. 6 W., along north line of lots 1, 2, 3, 4, 5, 17, 18, 19, 20, 21; along south line of lots 9, 13, 14, 15, 16, 25, 29, 30, 31, 32; along east line of lots 1, 5, 9, 13, 17, 21, 25, 29; along west line of lots 4, 6, 12, 14, 20, 22, 28, 30.

In Sec. 3, T. 12 S., R. 6 W., along north line of lots 5, 6, 7, 8, 9, 21, 22, 23, 24, 25, 37, 38, 39, 40, 41, 53, 54, 55, 56, 57; along south line of lots 13, 17, 18, 19, 20, 29, 33, 34, 35, 36, 45, 49, 50, 51, 52, 55, 56, 57, 58, 59; along east line of lots 5, 9, 13, 17, 21, 25, 29, 33, 37, 41, 45, 49, 53, 57, 61, 65, 69; along west line of lots 8, 10, 16, 18, 24, 26, 32, 34, 40, 42, 48, 50, 56, 58, 64, 66.

In Sec. 10, T. 12 S., R. 6 W., along north line of lots 1, 2, 3, 4, 5, 19, 20, 25, 26, 31, 32, 33, 34; along south line of lots 14, 15, 16, 17, 18, 23, 24, 29, 30, 43, 44, 45, 46; along east line of lots 1, 5, 9, 10, 14, 18, 20, 23, 25, 29, 32, 34, 35, 37, 40, 42, 43, 45; along west line of lots 4, 6, 13, 15, 19, 21, 22, 34, 25, 27, 28, 30, 31, 33, 36, 38, 39, 41, 44, 46.

Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in

the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,  
Regional Administrator.

[P. R. Doc. 54-555; Filed, Jan. 27, 1954;  
8:46 a. m.]

## ARIZONA

### CLASSIFICATION ORDER

JANUARY 22, 1954.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, 15 P. R. 5639, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Arizona land district, embracing approximately 440 acres:

ARIZONA SMALL TRACT CLASSIFICATION No. 27

For lease and sale for homesites only:

T. 5 S., R. 10 E., G. & S. R. M.,  
Sec. 34, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .

The land is located just north of U. S. Highway 80-89, a distance of approximately 7 miles southeast of Florence, Arizona. A good graded road leading from Highway 80-89 traverses the north boundary of the section. The soil is of a deep sandy loam type with a heavy growth of typical southwestern desert vegetation. Water for domestic purposes in the area is obtained from drilled wells. A privately owned water system located north of this area could be extended to supply some of these lands. Electric power is available from the electric power system of the San Carlos Irrigation Project. Natural gas service is not available.

2. As to applications filed on these lands prior to 12:03 p. m. on April 25, 1949, this order shall become effective upon the date it is signed, provided the applications conform to or are made to conform to the provisions of this order.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) Ninety-one day period for preference-right filings. For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject to applications under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either

at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) Date for non-preference-right filings. Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. The lands will be leased in tracts of approximately 5 acres, 660 feet by 330 feet, the longer dimension extending north and south. Leases will be for a period of three years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease.

6. Leases will contain an option to purchase clause at the appraised values as follows:

Tracts in the N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$  are appraised at \$100.00 per tract.

Tracts in the S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$  are appraised at \$75.00 per tract.

Tracts in the SE $\frac{1}{4}$  are appraised at \$50.00 per tract.

(a) Applications for purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease, provided minimum improvements consisting of a habitable house of at least two rooms, containing a minimum floor area of 500 square feet, and adequate water and sanitary facilities shall have been constructed prior to the date of application to purchase.

(b) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as mentioned in (a) shall have been completed.

(c) Leases for lands upon which the improvements mentioned above shall not have been constructed at or before the expiration thereof shall not be renewed.

7. Lessees and/or their successors in interest shall comply with all Federal,

State, county and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

8. Tracts will be subject to all existing rights-of-way and to rights-of-way for road purposes and public utilities as follows:

33 feet along the north and south boundaries of the N $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .

33 feet along the east and west boundaries of the W $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ .

The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of patent. If not so located, they may be subject to location after patent is issued. All rights-of-way herein mentioned and reserved may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof.

9. All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,  
Regional Administrator.

[F. R. Doc. 54-554; Filed, Jan. 27, 1954;  
8:46 a. m.]

[No. 22 (R-IV)]

#### UTAH

#### ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JANUARY 19, 1954.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the following described lands have been reconveyed to the United States:

#### SALT LAKE MERIDIAN

T. 35 S., R. 26 E.,  
Sec. 9, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Sec. 15, NE $\frac{1}{4}$ .

The area described contains 280 acres. The land in section 9 is primarily valuable for grazing, and it is unlikely that it will be classified as suitable for disposal under the homestead, desert-land, or small tract laws. The NE $\frac{1}{4}$  section 15 may have agricultural possibilities.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other non-mineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to

application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of

Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

H. BYRON MOCK,  
Regional Administrator.

[F. R. Doc. 54-556; Filed, Jan. 27, 1954;  
8:46 a. m.]

## DEPARTMENT OF COMMERCE

### Patent Office

[Dept. Order No. 89 (amended)]

#### ORGANIZATION AND FUNCTIONS

**SECTION 1. Purpose.** The purpose of this order is to describe the organization and define the functions of the Patent Office.

**Sec. 2. Organization.** .01 The Patent Office, a primary organization unit of the Department of Commerce, shall be under the direction and supervision of the Under Secretary of Commerce. The Patent Office shall be headed by a Commissioner of Patents who shall report and be responsible to the Under Secretary of Commerce.

.02 The Patent Office shall consist of the following organization units:

1. Office of the Commissioner of Patents.
2. Board of Appeals.
3. Office of the Solicitor.
4. Office of Interferences.
5. Executive Office, including:
  - (1) Executive Officer.
  - (2) Budget and Finance Division.
  - (3) Administrative Management Division.
  - (4) Personnel Division.
  - (5) General Services Division.
  - (6) Scientific Library.
6. Patent Examining Operation, including:
  - (1) Patent Examining Groups.
  - (2) Classification Group.
7. Trade-Mark Examining Operation, including:
  - (1) Trade-Mark Examining Group.
  - (2) Trade-Mark Classification Division.

**Sec. 3. Delegation of authority.** .01 Reorganization Plan No. 5 of 1950 transferred all functions of all officers, agencies and employees of the Department, including the Patent Office, to the Secretary of Commerce; also, pursuant to the authority conferred on the Secretary of Commerce in section 3 of Title 35, United States Code, there were vested in the Secretary of Commerce by Amendment No. 1 of Department Order No. 89 (Amended), effective January 1, 1953 (18 F. R. 87), the functions of the Patent Office and its officers and employees specified in Title 35.

.02 Pursuant to the same authority, the Patent Office and its officers and employees were authorized to continue to perform the functions of the Patent Office and the several officers and em-

ployees thereof theretofore performed and as specified in said Title 35.

.03 Pursuant to the same authority the Patent Office and its officers and employees shall continue to exercise the same authority and functions in accordance with the provisions of this order.

**SEC. 4. General functions.** The basic function of the Patent Office is the administration of patent and trade-mark laws as they relate to the granting of patents for inventions and the registration of trade-marks.

**SEC. 5. Office of the Commissioner of Patents.** .01. The Office of the Commissioner includes the Commissioner of Patents, the First Assistant Commissioner, and two Assistant Commissioners.

.02 The Office of the Commissioner of Patents shall be responsible for formulating the policies, developing and coordinating the programs and directing all operations and administrative functions of the Patent Office.

.03 The First Assistant Commissioner and the Assistant Commissioners perform such duties pertaining to the Office of Commissioner as may be assigned them by the Commissioner. By statutory designation, they are members of the Board of Appeals.

**SEC. 6. Board of Appeals.** The Board of Appeals consists of the Commissioner, the Assistant Commissioners, nine examiners-in-chief, and such pro tempore members as may be assigned by the Commissioner under the authority contained in Title 35, U. S. Code, section 7. The Board shall hear and decide appeals from final rejections by the patent examining divisions denying the patentability of inventions claimed in patent applications.

**SEC. 7. Office of the Solicitor.** The Office of the Solicitor includes the Solicitor and the Law Examiners, who comprise the legal staff of the Commissioner. This office shall have charge of litigation in which the Patent Office is a party; investigate legal and legislative matters for the Commissioner, and render opinions and decisions on legal questions.

**SEC. 8. Office of Interferences.** The Office of Interferences consists of the Board of Patent Interferences and the Examiners of Trade-Mark Interferences, who function under the direction of the Chief Examiner of Interferences.

1. The Board of Patent Interferences shall make final determinations in the Patent Office of the question of priority of invention in proceedings involving rival claimants for patents for the same patentable invention; and

2. The Examiners of Trade-Mark Interferences shall determine the respective rights to trade-mark registration among rival claimants to the same mark. Determinations shall also be made as to the rights of parties involved in oppositions to registration, applications to register as a lawful concurrent user, and applications to cancel registrations.

**SEC. 9. Executive Office.** The Executive Office comprises the following major organizational units:

1. The Executive Officer, who is responsible to the Commissioner of Patents for

the conduct of administrative and service functions of the Patent Office;

2. The Budget and Finance Division, which provides assistance to the Executive Officer in developing sound budgetary and fiscal policies and practices. It prepares budget estimates and aids in their justification; administers and controls the approved expenditures program; and provides accounting services and administers payroll and leave functions;

3. The Administrative Management Division, which maintains a continual appraisal of operations to identify conditions requiring management improvement and conducts required analysis, research and planning to effect the indicated improvement. It collects, analyzes and distributes internally workload and performance data for the Office and provides a continuing review of administrative printing and duplicating including the administration of a forms development and control operation. It is also responsible for records management and the development of administrative manuals;

4. The Personnel Division, which formulates personnel policies and programs; recruits and places personnel; effects proper position classification; recommends actions to improve working conditions and employee morale; develops and administers employee training programs; maintains records of all personnel actions; and administers the performance rating system;

5. The General Services Division, which reviews new patent applications for compliance with requirements as to form prior to consideration by patent examiners; inspects drawings submitted in applications to insure conformance with requirements as to formal execution; prepares allowed applications for printing and issues patent grants and trade-mark registration certificates; records assignments transferring property rights in patents and trade-marks and furnishes abstracts of title; procures, stores and sells printed copies of patents and trade-marks; answers correspondence of a general nature; and provides the routine service and supply needs of the Office; and

6. The Scientific Library, which maintains a search room for the benefit of the public in searching and examining the United States patents. It also maintains a library of scientific publications and a comprehensive file of foreign patents, for use by Patent Office examiners and the public. In addition, it maintains a register of patents dedicated to public use and those available for license or sale.

**SEC. 10. Patent Examining Operation.** The Patent Examining Operation is under the direction of the Executive Examiner (Patents), who is responsible to the Commissioner of Patents for the operation of the patent examining and patent classification functions of the Patent Office. The Executive Examiner formulates and directs the execution of basic examining policies and practices; applies provisions of law relating to the security of applications; renders decisions on procedural and substantive

matters; and exercises overall responsibility for the professional competence and productive efficiency of the examining corps. The major organizational components of the Patent Examining Operation comprise a number of Patent Examining Groups and a Classification Group.

1. Each Patent Examining Group comprises a Supervisory Patent Examiner, as its head, and a number of patent examining divisions. The Supervisory Patent Examiner is responsible for ensuring the fullest effectiveness of operation in the various examining divisions within his cognizance and maintaining relative uniformity of practice among them. He also fosters quantitative and qualitative improvements in the examining process; passes upon certain actions proposed to be taken by examiners; and acts for the Commissioner in deciding petitions filed by applicants on matters not appealable to the Board of Appeals. Each patent examining division comprises a primary examiner and a number of assistant examiners and has jurisdiction of applications in assigned fields of inventions. The functions of the divisions are to determine the patentability of claimed invention based on search of prior art and application of statutory provisions; allow or reject the claims in applications on the basis of their findings; make holdings of abandonment; institute interference proceedings to determine priority of invention; rule on certain motions in connection with interferences; and perform related duties; and

2. The Classification Group develops and maintains a system for the classification of the useful arts to provide a basic frame of reference for the guidance of patent examiners and the general public in making searches for novelty, interference, or infringement of inventions. The Group also insures the effective use of this system in the classification of issued patents and reviews the work of the examining divisions for uniform application of prescribed practice governing the restriction of patent applications to a single invention. These functions are divided among five classification divisions.

**SEC. 11. Trade-Mark Examining Operation.** The Trade-Mark Examining Operation is under the supervision of an Executive Examiner (Trade-Marks). The Executive Examiner plans, directs, and coordinates the trade-mark classification, examination, and service activities; formulates and directs the execution of basic examining and classification policies and practices relating to the registration of marks; insures that such policies comply with statutory and regulatory provisions, court decisions, and decisions of the Commissioner; effects standards of performance for individuals and groups; and, in general, exercises overall responsibility for the effectiveness of trade-mark operations. The principal organizational units within the Trade-Mark operation are:

1. The Trade-Mark Examining Group, consisting of four trade-mark examining divisions, a service branch, and a search

room, which performs trade-mark examining functions; furnishes necessary clerical processing and recording services connected with these functions; and maintains a digest of published and registered marks, classified according to the characteristics of the marks, to facilitate reference searches by examiners and the public. Each of the trade-mark examining divisions, under the supervision of a primary examiner, examines applications for the registration of trade-marks within assigned class of goods or services. The divisions develop the formal sufficiency of applications; determine the registrable merits of marks through search of the prior art and application of references, precedent decisions, established rules and procedures, and statutory requirements; allow or reject applications on the basis of their findings; make holdings of abandonment; institute interference proceedings to determine priority of use of marks and rule on certain motions in connection therewith; and perform related duties; and

2. The Trade-Mark Classification Division, which develops and maintains a system for the classification of goods and services to which trade-marks may be applied, and insures the effective application of the system in the examination of trade-mark applications and the registration of marks.

Sec. 12. *Effect on other orders.* This order supersedes Department Order No. 89 (amended) of May 5, 1948 (13 F. R. 2568-2569). This order also supersedes Department Order No. 89 (amended), Amendment 1, effective January 1, 1953 (18 F. R. 87), inasmuch as the provisions of that amendment are incorporated herein. This order also supersedes paragraphs 1, 2, and 14 through 27 of the material appearing at 12 F. R. 5874. This order shall not affect any existing delegations or authorizations issued by the Secretary relating to specific functions or officials of the Patent Office. Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby amended or superseded accordingly.

Effective date: December 30, 1953.

[SEAL]

SINCLAIR WEEKS,  
Secretary of Commerce.

[F. R. Doc. 54-588; Filed, Jan. 27, 1954;  
8:53 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Education

DIRECTOR OF DIVISION OF SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS, ET AL.

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

Pursuant to section 105 (a) of Public Law 815, 81st Congress (act of September 23, 1950, 64 Stat. 967), as amended, and section 8 (a), Public Law 874, 81st Congress (act of September 30, 1950, 64 Stat. 1100), as amended, the Director or Associate Director of the Division of

School Assistance in Federally Affected Areas, or in the event of their concurrent absence the Director of the Field Operations Branch, Division of School Assistance in Federally Affected Areas, are hereby authorized and empowered to exercise all authority vested in the Commissioner of Education by Titles II, III, and IV of Public Law 815, 81st Congress, as amended, and Public Law 874, 81st Congress, as amended, including the certification of payments, subject to applicable regulations, except:

1. The authority to make regulations;
2. The authority with respect to the holding of hearings as provided in Part 106, Chapter I, 45 CFR, as amended, or as it may be amended;
3. The authority to delegate functions to officers or employees of the Office of Education as set forth in section 105 (a) of Public Law 815, 81st Congress, as amended, and section 8 (a) of Public Law 874, 81st Congress, as amended; and
4. The responsibility for making an annual report to the Congress as set forth in section 208 (c) of Public Law 815, 81st Congress, as amended, and section 7 (c) of Public Law 874, 81st Congress, as amended.

Dated: January 18, 1954.

[SEAL] S. M. BROWNELL,  
Commissioner of Education.

Approved: January 21, 1954.

OVETA CULP HOBBS,  
Secretary.

[F. R. Doc. 54-593; Filed, Jan. 27, 1954;  
8:54 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10828, 10829]

PALM BEACH BROADCASTING CORP. AND WEAT-TV, INC.

### ORDER CONTINUING HEARING

In re applications of Palm Beach Broadcasting Corporation, West Palm Beach, Florida, Docket No. 10828, File No. BPCT-1237; WEAT-TV, Inc., West Palm Beach, Florida, Docket No. 10829, File No. BPCT-1803; for construction permits for new television stations.

In view of the order issued on January 19, 1954, granting an extension of time through January 25, 1954, to both applicants in the above-entitled proceeding, for the filing of certain supplementary information required by the Commission's McFarland letters of November 30, 1953: *It is hereby ordered*, This 22d day of January, 1954, that the hearing in said proceeding, heretofore scheduled to commence on January 29, 1954, is continued to February 5, 1954, at 10:00 a. m. at Washington, D. C.

The hearing will commence at the rescheduled time stated above with a conference pursuant to § 1.841 of the Commission's rules and regulations for the purpose of discussing the various matters and for taking such action as is prescribed in said section.

Counsel for the applicants have informally agreed to exchange their proposed points of reliance, and to furnish

counsel for the Broadcast Bureau with copies thereof, on February 3, 1954.

Released: January 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 54-591; Filed, Jan. 27, 1954;  
8:53 a. m.]

[Docket Nos. 10859, 10860]

SOUTHERN BROADCASTING CO., INC., AND CHARLESTON BROADCASTING CO.

### ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southern Broadcasting Company, Inc., Charleston, South Carolina, Docket No. 10859, File No. BPCT-693; Charleston Broadcasting Company, Charleston, South Carolina, Docket No. 10860, File No. BPCT-1110; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954:

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 2 in Charleston, South Carolina; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Southern Broadcasting Company, Inc., is legally, technically and financially qualified to construct, own and operate a television broadcast station; that Charleston Broadcasting Company is legally qualified to construct, own and operate a television broadcast station and is technically so qualified except as to the matters referred to in issues "2", "3" and "4" below; and

It further appearing, that Charleston Broadcasting Company proposes an antenna location in the immediate vicinity of the antennas of standard broadcast stations WHAN and WPAL; that no determination has been made as to the feasibility of such proposed operation and as to the effects of such proximate operation upon the operation of stations WHAN and WPAL, particularly with respect to the effects of such operation upon the ability of stations WHAN and

WPAL to operate in accordance with the terms of their licenses; and that if the proposed operation is determined to be feasible and the application is granted after the hearing herein, such grant shall be subject to a condition as follows:

The construction authorized shall not adversely affect the ability of standard broadcast stations WHAN and WPAL to operate in accordance with the terms of their licenses, particularly with respect to their antenna systems, and that sufficient field intensity measurements of stations WHAN and WPAL shall be made before and after such construction to prove that no material effect thereon has resulted.

*It is ordered,* That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 19th day of February 1954 in Washington, D. C., upon the following issues:

(1) To determine whether Charleston Broadcasting Company is financially qualified to construct, own and operate the proposed television broadcast station.

(2) To determine what effects, if any, the installation of the television antenna as proposed in the above-entitled application of Charleston Broadcasting Company would have on the operation of standard broadcast stations WHAN and WPAL; whether corrective measures for such effects are possible and feasible; and what proof should be submitted to show that such corrective measures have been taken after installation and operation of the said proposed antenna.

(3) To determine whether the engineering data contained in the above-entitled application of Charleston Broadcasting Company is in accordance with the requirements of § 3.684 of the Commission's rules.

(4) To determine the antenna gain rating, aural transmitter output rating and transmission line losses proposed by Charleston Broadcasting Company, and the effect thereof on the calculated effective radiated power.

(5) To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered,* That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following

issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 22, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WM. P. MASSING,  
Acting Secretary.

[P. R. Doc. 54-592; Filed, Jan. 27, 1954;  
8:53 a. m.]

[Docket Nos. 10854-10858]

BISCAYNE TELEVISION CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Biscayne Television Corporation, Miami, Florida, Docket No. 10854, File No. BPCT-1453; Mel Foster-Harold Hoersch, Miami, Florida, Docket No. 10855, File No. BPCT-1611; East Coast Television Corp., Miami, Florida, Docket No. 10856, File No. BPCT-1612; South Florida Television Corporation, Miami, Florida, Docket No. 10857, File No. BPCT-1806; Sunbeam Television Corporation, Miami, Florida, Docket No. 10858, File No. BPCT-1816; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954:

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Miami, Florida; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that East Coast Television Corp., South Florida Television Corporation and Sunbeam Television Corporation are legally, financially and technically qualified to construct, own and operate a television broadcast station; that Biscayne Television Corporation is so qualified but that its application, considered in the light of the provisions of §§ 3.35 and 3.240 of the Commission's rules and established policy, raises a serious question as to whether a grant thereof would

result in a lessening of competition between radio stations WQAM and WIOD and between radio stations WQAM-FM and WIOD-FM; that Mel Foster-Harold Hoersch are legally and financially so qualified and are technically so qualified except as to the matters raised in issues "2" and "3" below;

*It is ordered,* That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 19th day of February 1954 in Washington, D. C., upon the following issues:

1. To determine, in the light of the provisions of §§ 3.35 and 3.240 of the Commission's rules and the Commission's policy with respect to complete divorce of management, ownership and other interests between stations of the same class in the same community or serving substantially the same area, what special circumstances, if any, exist which might justify the grant of the above-entitled application of Biscayne Television Corporation.

2. To determine whether the installation and operation of the station proposed by Mel Foster-Harold Hoersch in their above-entitled application would constitute a hazard to air navigation.

3. To determine the loss of the diplexer and the power gain of the antenna system proposed by Mel Foster-Harold Hoersch, and the effect thereof on the calculated effective radiated power.

4. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered,* That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 22, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WM. P. MASSING,  
Acting Secretary.

[P. R. Doc. 54-562; Filed, Jan. 27, 1954;  
8:48 a. m.]

[Docket Nos. 10861, 10862]

## WPTF RADIO CO. AND CAPITOL BROADCASTING CO., INC.

## ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WPTF Radio Company, Raleigh, North Carolina, Docket No. 10861, File No. BPCT-511; Capitol Broadcasting Company, Incorporated, Raleigh, North Carolina, Docket No. 10862, File No. BPCT-824; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954:

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 5 in Raleigh, North Carolina; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station; and

It further appearing, that WPTF Radio Company and Capitol Broadcasting Company, Incorporated were notified, by letters dated January 7 and 11, 1954, respectively, that in the event of a grant of either of their applications, such grant would be conditioned so as to require the installation and maintenance of special hazard markers; that both applicants have replied to said letters and have indicated their willingness to accept such conditions; and that any grant made to either of the above applicants shall be subject to the following conditions:

The outer limits of the hazard area in which the tower will be situated shall be marked by symbols consisting of the letters "HAZ" located so that at least one symbol will be visible from aircraft at any normal angle of approach. The marking symbols shall be located immediately beyond the ground connection of the outer guy wires.

The letters of such symbols shall be installed in a manner to be legible in clear air at an altitude of 3000 feet at a distance of two miles. Moreover the symbols shall consist of uniform block letters having a height of at least thirty feet and a width equal to

two-thirds of the height. The width of each stroke shall be approximately one-seventh of the height of the letters. In addition, the letters shall be painted aviation surface orange.

The symbols shall be cleaned and repainted as often as necessary to maintain good visibility. If the strokes of the letters are constructed of wood or metal panels such construction shall be designed to prevent an accumulation of snow.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 19th day of February 1954 in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 22, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 54-563; Filed, Jan. 27, 1954; 8:48 a. m.]

[Docket Nos. 10863-10865]

GREATER HUNTINGTON RADIO CORP. ET AL.  
ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Greater Huntington Radio Corporation, Huntington, West Virginia, Docket No. 10863, File No. BPCT-773; The Ashland Broadcasting Company, Huntington, West Virginia, Docket No. 10864, File No. BPCT-1639; Huntington Broadcasting Corporation, Huntington, West Virginia, Docket No. 10865, File No. BPCT-1762; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954:

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Huntington, West Virginia; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station:

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 19th day of February 1954, in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 22, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 54-564; Filed, Jan. 27, 1954; 8:48 a. m.]

[Docket Nos. 10866, 10867]

CHICK CAPITOL BROADCASTERS, INC., AND  
RADIO STATION KAMOORDER DESIGNATING APPLICATIONS FOR CON-  
SOLIDATED HEARING ON STATED ISSUES

In re applications of Chick Capitol Broadcasters, Inc., Rogers, Arkansas, Docket No. 10866, File No. BP-8552; G. Don Thompson and Leon McAuliffe, a partnership d/b as Radio Station KAMO, Rogers, Arkansas, Docket No. 10867, File No. BP-8923; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954:

The Commission having under consideration the above-entitled applications of Chick Capitol Broadcasters, Inc., and Radio Station KAMO for a construction permit to operate a new standard broadcast station in Rogers, Arkansas, on 1390 and 1370 kilocycles, respectively, with a power of 1000 watts, daytime only;

It appearing, that each applicant is legally, technically, financially and otherwise qualified to operate the station proposed; that no interference would be caused to any existing or proposed station, but that the operation of both stations as proposed would result in mutually prohibitive interference with each other; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated September 2, 1953, of the fact that both proposals were mutually exclusive with a proposal of the Ozark Playground Broadcasters to operate a new standard broadcast station on 1390 kilocycles, with a power of 500 watts, daytime only, at Neosho, Missouri (File No. BP-8880); that neither of the subject proposals contained sufficient information from which to determine whether the applicant was financially qualified to construct and operate the station proposed; that the Chick Capitol Broadcasters proposal presented a question as to whether a grant thereof would give David M. Segal interests in excess of seven standard broadcast stations; and that the Commission was unable to conclude that a grant of any one of the applications would be in the public interest; and

It further appearing, that on October 21, 1953, the Ozark Playground Broadcasters amended its application to request a different frequency; and

It further appearing, that Chick Capitol Broadcasters, in a reply dated September 30, 1953, submitted sufficient information from which to determine that it is financially qualified to construct and operate the station proposed, and stated that David M. Segal has divested himself of any interest in Station KDAS, thereby leaving him with interests in six standard broadcast stations; and

It further appearing, that G. Don Thompson filed an amendment on September 28, 1953, changing the applicant from an individual to a partnership, which is financially qualified to construct and operate the station proposed;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: January 22, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] WM. P. MASSING,  
Acting Secretary.[F. R. Doc. 54-565; Filed, Jan. 27, 1954;  
8:49 a. m.]

[Docket No. 10868]

CAVALIER BROADCASTING CORP. AND LARUS  
& BROTHER CO., INC.ORDER DESIGNATING APPLICATION FOR  
HEARING ON STATED ISSUES

In re application of Cavalier Broadcasting Corporation (Assignor), Larus & Brother Company, Inc. (Assignee), for assignment of the broadcast license for Station WCAV, Norfolk, Virginia; Docket No. 10868, File No. BAL-1564.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954:

The Commission having under consideration the above-entitled application requesting consent to the assignment of the license for Station WCAV, Norfolk, Virginia, from Cavalier Broadcasting Corporation to Larus & Brother Company, Inc., assignees; and

It appearing, that there is a substantial overlap between Station WCAV and Station WRVA, Richmond, Virginia, which is also owned by the assignee; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applicants were advised by letter dated November 5, 1953, that the Commission was unable to find at that time that a grant of their application would serve the public interest, convenience, and necessity, because of the possible violation of § 3.35 of the Commission's rules and regulations, and of its established policy with respect to a substantial overlap of the primary service areas of these stations; and

It further appearing, that, the application, considered in the light of § 3.35

of our rules, and our established policy, raises a serious question as to whether grant of the instant application would result in a serious overlap between Stations WCAV and WRVA;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a date to be determined, in Washington, D. C., upon the following issues:

1. To determine the degree of overlap between Stations WCAV, Norfolk, Virginia; and WRVA, Richmond, Virginia.

2. To determine if the overlap, as manifested by Issue No. 1, is so substantial as to violate § 3.35 of the Commission's rules and regulations.

3. To determine, in light of the evidence adduced under the above issues, whether grant of the above-entitled application would serve the public interest, convenience, and necessity.

Released: January 21, 1954.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.[F. R. Doc. 54-566; Filed, Jan. 27, 1954;  
8:49 a. m.]

## CHIEF ENGINEER

DELEGATION OF AUTHORITY TO EXEMPT  
BROADCAST STATIONS FROM CERTAIN RE-  
QUIREMENTS OF CONELRAD PROGRAM

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954:

The Commission having under consideration a proposal to amend Part 0 of its rules to delegate authority to its Chief Engineer to exempt standard, FM and TV broadcast stations from the requirements of installing and keeping in adequate condition radio receivers for receiving the Radio Alerts and Radio All Clears as provided for by § 3.931 of the Commission's rules concerning the CONELRAD program; and

It appearing, that the Chief Engineer is in a position to determine in which instances standard, FM and TV broadcast stations may properly be specifically exempted from the requirements of § 3.931 of the rules; and

It further appearing, that it would be in the public interest to delegate appropriate authority to the Chief Engineer to make such determinations; and

It further appearing, that such delegation of authority relates to Commission's internal procedure and is not substantive in nature, and therefore compliance with the public notice and procedure provided for in section 4 of the Administrative Procedure Act is unnecessary, and for the same reason, this order may be made effective immediately; and

It further appearing, that the authority for the amendment of Part 0 of the Commission's rules is contained in sections 4 (i) and 5 (e) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, Part 0 of the rules be and it is hereby amended as shown below.

Released: January 21, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WM. P. MASSING,  
Acting Secretary.

Insert the following new subparagraph to section 0.121:

(s) (1) The Commission's Chief Engineer is authorized to exempt standard, FM and TV broadcast stations, including Basic Key and Relay Key stations, from the requirements of installing the necessary equipment to receive notification of Radio Alerts or Radio All Clears by means of reception of radio broadcast messages, and to maintain this equipment in a state of readiness for reception, including arrangements for human listening watch or automatic alarm devices or both. (Section 3.931 of the rules.)

(2) The Commission's Chief Engineer is authorized, when the public interest so requires, to revoke all exemptions granted by him in accordance with section (a) of this section, and also all exemptions which the Commission has granted in connection with § 3.931 before January 20, 1954. Any such revocation shall be effective as soon as the licensee is notified.

[F. R. Doc. 54-561; Filed, Jan. 27, 1954; 8:46 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6539]

OTTER TAIL POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF  
SECURITIES

JANUARY 22, 1954.

Notice is hereby given that on January 20, 1954, the Federal Power Commission issued its order adopted January 19, 1954, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-585; Filed, Jan. 27, 1954; 8:52 a. m.]

[Docket Nos. G-2173, G-2230]

TEXAS EASTERN TRANSMISSION CORP. AND  
UNITED NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS

JANUARY 22, 1954.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-2173; United Natural Gas Company, Docket No. G-2230.

Notice is hereby given that on January 21, 1954, the Federal Power Commission issued its orders adopted January 20, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-586; Filed, Jan. 27, 1954; 8:53 a. m.]

[Docket No. G-2284]

CENTRAL KENTUCKY NATURAL GAS CO.

ORDER DENYING REQUEST FOR SHORTENED  
PROCEDURE AND FIXING DATE OF HEARING

Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation having its principal place of business in Charleston, West Virginia, filed an application with the Federal Power Commission on October 20, 1953, for an order disclaiming jurisdiction with respect to certain sales of natural gas to Kentucky Creosoting Company, or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the operation of facilities and the sale of natural gas subject to the jurisdiction of the Commission, as fully described in the application, on file with the Commission and open to public inspection.

Applicant has requested that its application be disposed of pursuant to the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on December 5, 1953 (18 F. R. 7878). Although no formal protest to the application has been filed, the Commission has received a letter dated December 24, 1953 from Kentucky Creosoting Company in which it is alleged, among other things, that Kentucky Creosoting Company has refused to sign a service agreement with Applicant for the sale of natural gas herein involved. Said letter has been designated as an informal complaint by Kentucky Creosoting Company and assigned Docket No. IN-863. In these circumstances, the Commission deems it appropriate to provide opportunity for presentation by Kentucky Creosoting Company of any facts or matters pertinent to the issues presented by the application herein.

The Commission finds: This proceeding is not a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The request that the proceeding be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure be and the same hereby is denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on February 23, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(C) Protests or petitions seeking leave to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of February 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37

(f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 20, 1954.

Issued: January 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-588; Filed, Jan. 27, 1954; 8:49 a. m.]

[Docket No. E-6541]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JANUARY 19, 1954.

Take notice that on January 18, 1954, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Community Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the State of New Mexico and Texas, with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of \$3,000,000 principal amount of promissory notes dated or to be dated during the first six months of 1954 representing short-term loans obtained or to be obtained from banking institutions. Applicant proposes to renew short-term promissory notes in the aggregate principal amount of \$2,200,000 now outstanding, and to borrow on an additional short-term promissory note or notes the aggregate maximum sum of \$800,000 by June 30, 1954; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 12th day of February 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-569; Filed, Jan. 27, 1954; 8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3125]

UNION ELECTRIC CO. OF MISSOURI

ORDER MAKING EFFECTIVE POST-AMENDMENT  
REGARDING EXTENSION OF TIME FOR AC-  
CEPTANCE OF EXCHANGE OFFER

JANUARY 21, 1954.

The Commission having on December 15, 1953, granted and permitted to become effective the application-declaration of Union Electric Company of Missouri ("Union"), a registered holding company and also a subsidiary of The North American Company, likewise a registered holding company, regarding the acquisition of shares of common stock of Missouri Edison Company

("Missouri Edison"), pursuant to an offer of exchange, and the issuance of additional shares of common stock by Union to effectuate such exchange; and One of the conditions of the exchange offer being that the holders of at least 85 percent of the shares of Missouri Edison common stock should accept such offer; and

Union having now filed a post-amendment stating that Union on December 18, 1953, mailed such exchange offer to all common stockholders of record of Missouri Edison, such offer to be open through the close of business on January 21, 1954; that as of January 18, 1954, more than 85 percent of such shares of Missouri Edison common stock had been deposited for exchange and that Union proposes, shortly after the initial closing of the exchange offer (January 21, 1954), to consummate the initial exchange upon the fulfillment of the other conditions thereto, but that Union believes that it would be advisable, in the interest of the stockholders of Missouri Edison who may not have had sufficient time to obtain their certificates or to respond to the offer, as well as in the interests of Union and Missouri Edison, to extend the exchange offer on the same terms as those contained in the initial offer for a period of sixty days from January 21, 1954; and

The Commission having considered said post-amendment, and finding that such post-amendment regarding such extension of time should be made effective forthwith;

*It is ordered*, That said post-amendment regarding such extension of time be and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 54-570; Filed, Jan. 27, 1954;  
8:49 a. m.]

[File Nos. 70-3167, 70-3181]

CITIES SERVICE CO. ET AL.

ORDER CONCERNING MOTION FOR POSTPONE-  
MENT OF HEARING

JANUARY 22, 1954.

In the matter of Cities Service Company, the Gas Service Company, Gas Advisers, Inc., File No. 70-3167; Missouri Public Service Company, File No. 70-3181.

The Commission having, on January 12, 1954, issued a Supplemental Notice of Filing and Notice of and Order for Hearing directing that a hearing be held on January 26, 1954, upon the application-declaration of Cities Service Company ("Cities"), the Gas Service Company ("Gas Service"), and Gas Advisers, Inc. ("Gas Advisers") (File No. 70-3167), regarding, among other things, the sale by Cities of 1,500,000 shares of the common stock of Gas Service to Missouri Public Service Company ("Missouri"); and

The Commission having, on January 19, 1954, issued a Notice of Filing and Notice of and Order for Hearing and Order Consolidating Proceedings with

respect to an application-declaration filed by Missouri regarding, among other things, the acquisition by Missouri from Cities of the 1,500,000 shares of the common stock of Gas Service (File No. 70-3181) wherein the Commission ordered that the hearing with respect to the application-declaration filed by Cities and the application-declaration filed by Missouri be consolidated for hearing and that the hearing on both matters be held on January 26, 1954; and

It appearing that, on January 21, 1954 the State Corporation Commission of the State of Kansas ("Kansas Commission") filed (1) a motion that it be admitted as a party in the consolidated proceeding and (2) a motion that the hearing scheduled to be held on January 26, 1954 be postponed for a period of 30 days or for as long a period as the Commission can under the circumstances grant; and

It appearing that the Kansas Commission is a "State Commission" as defined by section 2 (a) (26) of the act and, pursuant to section 19 of the act and Rule XVII of the Commission's rules of practice is entitled to be admitted as a party; and

The Commission having considered the request of the motion of the Kansas Commission for an order postponing the hearing,

*It is ordered*, That (1) Kansas Commission be and hereby is admitted as a party in the above captioned proceedings, (2) the motion of the Kansas Commission for an order postponing the hearing is denied, and (3) after the conclusion of the taking of testimony at the hearing to commence on January 26, 1954, the hearing be adjourned until February 2, 1954, at 10:00 a. m., e. s. t., and that, at the adjourned hearing, the Kansas Commission be permitted to examine or cross-examine any witness who has testified earlier and to offer such further evidence as it may wish to present.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 54-573; Filed, Jan. 27, 1954;  
8:49 a. m.]

[File Nos. 54-196, 59-97, 70-2681]

MISSION OIL CO. ET AL.

ORDER GRANTING FURTHER EXTENSION OF  
TIME FOR DISPOSITION BY SINCLAIR OIL  
COMPANY OF CERTAIN COMMON STOCK OF  
SUBSIDIARIES

JANUARY 22, 1954.

In the matter of The Mission Oil Company, Southwestern Development Company, and subsidiaries and Sinclair Oil Corporation, File Nos. 54-196; 59-97; Albert R. Jones, et al., File No. 70-2681.

Sinclair Oil Corporation ("Sinclair"), a registered holding company which is exempt from the provisions of the Public Utility Holding Company Act of 1935 ("act"), other than sections 9 (a) (2) and 11 (b), (c) and (e) thereof, having filed an application requesting the Commission to extend for a further period

of six months from December 21, 1953, the time within which to effect a disposition of its holdings of the common stock of Westpan Hydrocarbon Company ("Westpan"), which was provided for in a plan approved by the Commission, pursuant to section 11 (e) of the act, by order dated December 21, 1951;

Sinclair having set forth in its application that it has been unable in the exercise of due diligence to dispose of the common stock of Westpan;

Due notice of the filing of said application having been given and no hearing having been requested of, or ordered by the Commission; and

The Commission having examined said application and having considered the reasons submitted in support thereof, and deeming it appropriate to grant said application for a further extension of time:

*It is ordered*, That the time within which Sinclair shall effect the disposition of the common stock of Westpan be, and it hereby is, extended for a further period of six months from December 21, 1953.

*It is further ordered*, That the Commission's order herein of July 1, 1953, shall in all other respects remain in full force and effect.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 54-574; Filed, Jan. 27, 1954;  
8:49 a. m.]

[File Nos. 70-3167, 70-3181]

CITIES SERVICE CO. ET AL.

ORDER DECLARING DECLARATION EFFECTIVE

JANUARY 22, 1954.

In the matter of Cities Service Company, The Gas Service Company, Gas Advisers, Inc., File No. 70-3167; Missouri Public Service Company, File No. 70-3181.

Missouri Public Service Company, a registered holding company, having filed, among other things, a declaration and an amendment thereto pursuant to section 12 (e) of the Public Utility Holding Company Act of 1935 and Rule U-62 thereunder regarding proxy material to be sent to its stockholders of record in connection with a special meeting of stockholders to be held to vote on the increase in the number of authorized shares of its common stock and to ratify the action of the management in contracting to purchase the common stock of The Gas Service Company; and

The Commission having examined such material, as amended, observing no basis for making adverse findings with respect thereto, and finding that such declaration with respect to such solicitation material should become effective forthwith;

*It is ordered*, That such declaration be and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 54-572; Filed, Jan. 27, 1954;  
8:49 a. m.]